

**NATIONAL ORGANIC STANDARDS BOARD**  
**FINAL RECOMMENDATIONS**

Adopted June 1-4, 1994, in Santa Fe, New Mexico

**ORGANIC CROP PRODUCTION STANDARDS**

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1. INTRODUCTION

A. Introduction : The National Organic Standards Board (NOSB) has prepared this comprehensive document to present the areas of agriculture which pertain to crop production. The document gives a brief overview of the statutory requirements and describes the standards approved for recommendation to the Secretary of Agriculture June 1-4, 1994.

B. Definitions :

(1) Organic Foods Production Act of 1990 (OFPA) Section 2103 :

Botanical Pesticides : The term "botanical pesticides" means natural pesticides derived from plants.

Certified Organic Farm : The term "certified organic farm" means a farm, or portion of a farm, or site where agricultural products or livestock are produced, that is certified by the certifying agent under this title as utilizing a system of organic farming as described by this title.

Crop Year : The term "crop year" means the normal growing season for a crop as determined by the Secretary.

Organic Plan : The term "organic plan" means a plan of management of an organic farming or handling operation that has been agreed to by the producer or handler and the certifying agent and that includes written plans concerning all aspects of agricultural production or handling described in this title including crop rotation and other practices as required under this title.

Organically Produced : The term "organically produced" means an agricultural product that is produced and handled in accordance with this title.

Pesticide : The term "pesticide" means any substance which alone, in chemical combination, or in any formulation with one or more substances, is defined as a pesticide in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.)

Producer : The term "producer" means a person who engages in the business of growing or producing food or feed.

36     Secretary : The term "Secretary" means the Secretary of  
37     Agriculture.

38     State Organic Certification Program : The term "State organic  
39     certification program" means a program that meets the

40 requirements of section 2107, is approved by the Secretary, and  
41 that is designed to ensure that a product that is sold or labeled  
42 as "organically produced" under this title is produced and  
43 handled using organic methods.

44 Synthetic : The term "synthetic" means a substance that is  
45 formulated or manufactured by a chemical process or by a process  
46 that chemically changes a substance extracted from naturally  
47 occurring plant, animal, or mineral sources, except that such  
48 term shall not apply to substances created by naturally occurring  
49 biological processes.

50 (2) National Organic Standards Board Definition Recommendations

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51 Drift : The term "drift" means the physical movement of  
52 prohibited pesticide or fertilizer droplets or granules from the  
53 intended target site onto a certified organic field or farm, or  
54 portion thereof.

55 Misapplication : The term "misapplication" means the accidental  
56 direct application of a prohibited pesticide or fertilizer to a  
57 certified organic field or farm, or portion thereof, by a person  
58 who is not the certified organic producer or a person working  
59 under the direction of the certified organic producer.

60 2. CROP PRODUCTION STANDARDS

61 **A. PESTICIDE AND FERTILIZER DRIFT AND MISAPPLICATION POLICY**

62 1. Statutory Requirement Section 2105(2): [To be sold or labeled  
63 as an organically produced agriculture product under this  
64 title, an agricultural product shall] (2) except as otherwise  
65 provided in this title and excluding livestock, not be  
66 produced on land to which any prohibited substances, including  
67 synthetic chemicals, have been applied during the 3 years  
68 immediately preceding the harvest of the agricultural  
69 products.

70 2. Senate Agriculture Report: "On occasion, organic farmers,  
71 although following the strict standards in this bill, may  
72 produce products with minimum residues due to inadvertent  
73 environmental contamination such as drift from a neighboring  
74 farm." "The (Senate Agricultural) Committee does not intend  
75 to prohibit minimal residue contamination that does not result  
76 from practices used by the organic farming operation."  
77 (Reference: U.S. Senate Committee on Agriculture, Nutrition,  
78 and Forestry, Report 101-357, July 6, 1990, page 300.)

79 COMMENTARY

80 An understanding of the legislative intent of the Organic Foods  
81 Production Act with respect to pesticide and fertilizer drift onto  
82 certified organic farms can be found in the Senate Agricultural  
83 Committee Report. "On occasion, organic farmers, although  
84 following the strict standards in this bill (emphasis added), may  
85 produce products with minimum residues due to inadvertent  
86 environmental contamination such as drift from a neighboring farm."  
87 "The (Senate Agricultural) Committee does not intend to prohibit  
88 minimal residue contamination that does not result from practices  
89 used by the organic farming operation (emphasis added).  
90 (Reference: U.S. Senate Committee on Agriculture, Nutrition, and  
91 Forestry, Report 101-357, July 6, 1990, page 300).

92 The National Organic Standards Board has received many comments  
93 from the public on the subject of pesticide drift onto organic  
94 farms. In addition, discussion and debate of the drift issue at  
95 the May 1993 NOSB meeting clearly indicated that the majority of  
96 NOSB members think that pesticide drift incidents should be handled  
97 in the same manner as the NOSB Draft Recommendation for government  
98 emergency pest eradication programs.

99 Recognizing the importance of striking a balance between meeting  
100 the consumer's expectation that organic food has not been subjected

101 to drift and protecting organic producers from unreasonable  
102 penalties caused by drift or misapplication incidents which are  
103 beyond the organic producer's control, the NOSB makes the following  
104 recommendation.

105 **RECOMMENDATION**

106 The National Organic Standards (NOSB) requests that the Secretary  
107 recommend to Congress that certified organic producers who incur  
108 crop losses and/or market losses caused by pesticide or fertilizer  
109 drift or misapplication be eligible for reimbursements from Federal  
110 crop disaster programs or Federal crop insurance programs for all  
111 damages and expenses incurred. Such eligibility should only apply  
112 in situations where the drift incident or misapplication occurs as  
113 the result of actions of a person who is not the certified organic  
114 producer or a person working under the direction of the certified  
115 organic producer.

116 I. Definitions of Drift and Misapplication

117 A. For the purpose of the OFPA, "drift" means the physical  
118 movement of prohibited pesticides or fertilizers from the intended  
119 target site onto a certified organic field or farm, or portion  
120 thereof, caused by a person who is not the certified organic  
121 producer or a person working under the direction of the certified  
122 organic producer.

123 B. For the purpose of the OFPA, "misapplication" means the  
124 accidental direct application of a prohibited pesticide or  
125 fertilizer to a certified organic field or farm, or portion  
126 thereof, by a person who is not the certified organic producer or a  
127 person working under the direction of the certified organic  
128 producer.

129 II. Agricultural Products Subjected to Drift or Misapplication

130  
131 Agricultural products, including livestock feed crops and  
132 pasturage, that are exposed to drift or misapplication with a  
133 prohibited pesticide or fertilizer shall not be sold or labeled as  
134 organically produced or fed to certified organic livestock.

135 A. Requirements of the Certified Organic Producer

136 1. As a drift prevention measure, certified organic producers must  
137 give notification to all adjacent property owners and to their  
138 appropriate public officials informing them of the boundaries of

139 the organic farming operation and of any possible financial  
140 responsibility should any drift or misapplication incident occur.  
141 It is recommended that this notification be in writing in order to  
142 facilitate any potential legal claims on behalf of the certified  
143 organic producer.

144 2. In cases where physical and/or visual evidence indicate that  
145 agricultural products have been subjected to drift or  
146 misapplication with a prohibited substance, the certified organic  
147 producer shall:

148  
149 a. notify the certifying agent and the appropriate public  
150 officials within 48 hours of discovery.

151 b. not sell or label as organically produced or feed to  
152 certified organic livestock the agricultural products  
153 subjected to drift or misapplication.

154  
155 B. Requirements of the Certifying Agent and/or State Official

156 1. Upon receiving notification (from a certified organic producer,  
157 an organic farm inspector, a certifying agent, a State or County  
158 Official, or a member of the public) that an agricultural product  
159 has been subjected to drift or misapplication with a prohibited  
160 substance on a certified organic farm, the certifying agent shall  
161 work with the appropriate public officials to do the following:

162 a. determine if a drift or misapplication incident  
163 has actually occurred and, if so, investigate the  
164 incident;

165  
166 b. attempt to identify the prohibited substance that  
167 has drifted onto or been misapplied to the certified  
168 organic farm;

169  
170 c. identify and mark the portion of the organic field  
171 exposed to drift or misapplication and assure that  
172 agricultural products growing in this area of the  
173 field are not sold or labeled as organically produced  
174 or fed to certified organic livestock;

175  
176 d. conduct, if necessary, pre-harvest residue testing  
177 to verify the extent of the drift or misapplication  
178 incident; and

179  
180 e. determine the portion, if any, of the field that  
181 was not subjected to drift or misapplication and

182 determine if agricultural products growing in this  
183 area of the field can be sold or labeled as  
184 organically produced or fed to certified organic  
185 livestock.

186  
187 III. Agricultural Products Grown In The 3 Year Period  
188 Immediately Following A Drift Or Misapplication  
189 Incident  
190

191 Agricultural products grown in the 3 year period immediately following  
192 a drift or misapplication incident may be exempted from the requirement  
193 in § 2105(2) [§ 6504(2)] which requires agricultural products sold or  
194 labeled as organically produced to be produced on land that has not had  
195 prohibited substances applied during the 3 years immediately preceding  
196 harvest of the agricultural products. The exception shall be  
197 determined by the certifying agent subject to the following  
198 requirements:

199 A. Requirements of the Certified Organic Producer

200 The certified organic producer shall not, without the approval of  
201 the certifying agent, sell or label as organically produced or  
202 feed to certified organic livestock, any agricultural products  
203 grown on the portion of a certified organic farm that was  
204 subjected to drift or misapplication in the 3 year period  
205 immediately following the drift or misapplication incident.

206 B. Requirements of the Certifying Agent and/or State Official

207 The certifying agent and/or State Official shall determine using  
208 pre-harvest residue testing, if deemed necessary, if agricultural  
209 products can be sold or labeled as organically produced or fed to  
210 certified organic livestock that are:

- 211 1. produced on the portion of a certified organic  
212 farm that was previously subjected to drift or  
213 misapplication; and  
214  
215 2. not directly exposed to drift or misapplication  
216 during the current crop growing season.

217 In the case of drift or misapplication onto pastures or forage that  
218 cannot be cut for hay or otherwise removed, organic livestock shall  
219 not be allowed access to the pasture or forage for the remainder of  
220 that pasture season. For continuous season pasture systems, the  
221 determination of the withholding period shall be at the discretion of  
222 the certifying agent.





223                                    **B.    SMALL FARMER EXEMPTION**

224                                    **STATUTORY PROVISIONS**

225    U.S. Organic Foods Production Act of 1990, Section 2106 (d): "Small  
226    Farmer Exemption.--Subsection (a)(1)\* shall not apply to persons  
227    who sell no more than \$5,000 annually in value of agricultural  
228    products."

229    \*Subsection (a)(1): "In general.--On or after October 1, 1993--  
230    (A) a person may sell or label an agricultural product as  
231    organically produced only if such product is produced and handled  
232    in accordance with this title; and  
233    (B) no person may affix a label to, or provide other market  
234    information concerning, an agricultural product if such label or  
235    information implies, directly or indirectly, that such product is  
236    produced and handled using organic methods, except in accordance  
237    with this title."

238                                    **RECOMMENDATION**

239    Persons who sell no more than \$5,000 annually in value of  
240    agricultural products and sell or label a portion or all of such  
241    agricultural products as organically produced or handled are  
242    exempted from certification by an USDA-accredited agency but are  
243    required to produce and handle organic products in accordance with  
244    the production and handling standards provided for in the OFPA.

245    The exempted person shall demonstrate compliance with the OFPA by  
246    the implementation of the following measures:  
247    (1) Signature on a completed Declaration form, which attests to a  
248    thorough knowledge of the provisions of the OFPA and to the  
249    production and handling of organic products according to the OFPA.  
250    (2) The development of an Organic Farm and/or Handling Plan, in  
251    accordance with the requirements of the OFPA.  
252    (3) The establishment of record-keeping adequate to trace an  
253    organic product from production site through to sale for  
254    consumption. Records must be kept for five years.  
255    (4) The provisions of public access to the above documents.

256    Exempted Small Farmers who demonstrate compliance with the OFPA  
257    shall be able to market non-certified organic products from their  
258    farms directly to consumers at direct sales outlets. Examples of  
259    direct sales outlets include roadside stands, farm markets, and  
260    consumer subscription programs (Community Supported Agriculture).  
261    Exempted Small Farmers who wish to market directly to retail  
262    outlets may do so by providing copies of the Declaration form to  
263    the individual retail outlet. In no instance shall non-certified

264 organic products be marketed through exporters, wholesalers,  
265 brokers, processors, or retail chain warehouses.

266 Furthermore, an exempt farmer may not sell or label an agricultural  
267 product as "certified organic" unless certified by an USDA-  
268 accredited certifying agency.

269 The exempted Small Farmer and/or retail outlet may display the  
270 Small Farmer Declaration form at the place of sale. There shall be  
271 no mandatory filing requirements for the above small farmer  
272 exemption provisions. All required information must be on file and  
273 available on the premises of the exempted farmer.

274 The above provisions shall not be construed as precluding a State  
275 from issuing additional regulations regarding the Small Farmer  
276 Exemption.

277 . . . . .

278 SMALL FARMER EXEMPTION FROM USDA CERTIFICATION PROGRAM

279 ANNUAL DECLARATION OF \_\_\_\_\_

280 1. I declare that I sell no more than \$5,000 annually in all  
281 agricultural products and that all agricultural products that I  
282 sell as organically produced or handled are produced and handled in  
283 accordance with the Organic Foods Production Act of 1990 (OFPA).

284 2. I declare that:

- 285 a. I have read and understand the regulations regarding  
286 production and handling of organic products to the OFPA;  
287 b. I have developed an organic farm and/or handling  
288 plan in accordance with the requirements of the OFPA;  
289 c. I have records tracing the organic production from  
290 production site to sale; and  
291 d. I will provide reasonable public access to the above  
292 documents.

293 3. I declare under penalty of perjury under the laws of the  
294 United States of America that the foregoing is true and correct.

295 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at  
296 \_\_\_\_\_.  
297 (city & State)

298 \_\_\_\_\_

299 (Signature)

300 . . . . .

301 **C. RESIDUE TESTING**

302 COMMENTARY

303 A. Summary of Existing Law Related to Pesticide Residues

304 Pesticide residues on food and feed are regulated by the Federal  
305 Insecticide, Fungicide, and Rodenticide Act (FIFRA)(7 USC 138) and  
306 the Federal Food, Drug, and Cosmetic Act (FFDCA)(21 USC 321). A  
307 pesticide tolerance (established by EPA under the FFDCA) is the  
308 amount of a pesticide residue that legally may be present in or on  
309 a raw agricultural commodity or a processed food (40 CFR Chapter 1,  
310 § 177.3). Under the FFDCA, food or feed containing a pesticide  
311 residue in excess of the EPA tolerance or containing a pesticide  
312 residue for which no tolerance exists for that food or feed is  
313 adulterated and cannot be sold. Under the FFDCA, the FDA is  
314 responsible for enforcing pesticide tolerances.

315 Some pesticides (e.g., DDT, aldrin, dieldrin) have had their  
316 registrations canceled and tolerances revoked by the EPA but  
317 continue to persist in the environment and may occur as unavoidable  
318 residues in food or feed. Because their EPA tolerances have been  
319 revoked, FDA established "action levels" for these pesticides to be  
320 used for enforcement. In establishing the FDA action level for  
321 each pesticide, the agency: 1) used its pesticide residue  
322 monitoring data to determine residue levels that could not be  
323 avoided by farmers and food processors using good growing or  
324 manufacturing practices; and 2) took into account its analytical  
325 ability to detect and measure the amount of the unavoidable  
326 pesticide residue in a food or feed. The FDA action levels are  
327 substantially lower than the original EPA tolerances for these  
328 pesticides. (Reference: Federal Register, Vol. 55, No. 74,  
329 4/17/90)

330 B. Summary of the OFPA and Legislative Intent

331 There are six specific references to residue testing in the OFPA.  
332 § 2112(a) requires the Secretary, State official, and certifying  
333 agent to utilize a "system of residue testing" to assist in  
334 enforcement. § 2107(a)(6) requires "periodic residue testing" by  
335 certifying agents to determine if organic food contains pesticide  
336 residues, other non-organic residues, or natural toxicants. §  
337 2112(b) states that the Secretary, State official, or certifying  
338 agent may require pre-harvest residue testing of any crop grown on  
339 soil suspected of harboring contaminants. § 2112(c)(1) requires an  
340 investigation to be conducted by the Secretary, State official, or  
341 the certifying agent if it is determined that an organic crop or  
342 product contains any "detectable" (emphasis added) pesticide

343 residue, non-organic residue, or prohibited natural substance  
344 residue. § 2112 (c)(2) states that food may not be sold as organic  
345 if it contains residues at levels that are greater than  
346 "unavoidable residual environmental contamination." § 2119(k)(5)  
347 requires the NOSB to advise the Secretary concerning testing of  
348 organically produced products for residues caused by "unavoidable  
349 residual environmental contamination."

350 The Report of the Committee on Agriculture, Nutrition, and  
351 Forestry, US Senate, to Accompany S. 2830 (Report 101-357) provides  
352 assistance in understanding the legislative intent of the OFPA.  
353 The report has an entire section devoted to residue testing (pp.  
354 299-301) which contains considerable discussion of the subject.

#### 355 C. Maximum Allowable Pesticide Residue for Organic Food

356 Because residue testing is mandated by the OFPA, a maximum  
357 pesticide residue level must be established as a standard for  
358 organic food. But the OFPA does not establish such a residue  
359 level. The NOSB has devoted considerable time in its attempt to  
360 develop a pesticide residue standard that is reasonable, practical,  
361 affordable, consistent with consumer interests, and consistent with  
362 the OFPA. Three options have been considered and debated: 1) a  
363 zero residue standard which may be implied by the term "unavoidable  
364 residual environmental contamination" in § 2112(c)(2) of the OFPA;  
365 2) a 100% of EPA pesticide tolerance standard which is the same  
366 standard applied to conventional food; and 3) a percentage (5% or  
367 10%) of EPA pesticide tolerance standard which is used by some  
368 State organic laws, some certification agents, and specifically  
369 recommended in the Senate Committee Report.

370 The NOSB believes that a zero residue standard for organic food  
371 would be impractical, expensive, and difficult to achieve (it is  
372 impossible to prove a negative - particularly when residue testing  
373 levels of detection are lowered each time the analytical technology  
374 improves). A zero residue standard would force organic farmers to  
375 bear the expense and consequences of pesticide use by conventional  
376 farmers. While § 2112(c)(3) of the OFPA may appear to set a zero  
377 residue standard, careful study of the Senate Committee Report  
378 reveals that the legislative intent was not to set a zero residue  
379 standard. The Senate Committee Report states: 1) "Historically,  
380 "organic" has been a production claim and not a residue-free  
381 content claim." 2) "On occasion, organic farmers, although  
382 following the strict standards in this bill, may produce products  
383 with minimum residues due to inadvertent environmental  
384 contamination such as drift from a neighboring farm." 3) "Second,  
385 residue testing bridges the concept that organically produced food  
386 is defined by the manner in which such food was produced and the  
387 widely held concept that organically produced food has fewer

388 (emphasis added) residues." 4) "The Committee has been asked to  
389 provide guidance regarding the meaning of 'unavoidable residual  
390 environmental contamination.' The Committee does not intend to  
391 prohibit minimal residue (emphasis added) contamination that does  
392 not result from practices used by the organic farming operation."  
393 5) "The Committee does not intend, however, that a level greater  
394 than 10% of the EPA level or that zero percent of tolerance be  
395 approved by the Secretary. The desire is to leave the Secretary  
396 the discretion to set residue levels somewhere between 1% and 10%  
397 of the EPA levels." and 6) "Finally, as a result of the Committee's  
398 debate as to the merits of various levels of acceptable residues of  
399 prohibited materials for organic food, the Committee decided that  
400 the NOSB () would be the most knowledgeable on this subject and  
401 thus the Committee intends that the NOSB shall advise the Secretary  
402 concerning appropriate residue levels and testing methods for  
403 organic products." Furthermore, § 2119(k)(5) requires the NOSB to  
404 advise the Secretary concerning the testing of organic food for  
405 residues caused by "unavoidable residual environmental  
406 contamination." This implies that the meaning of "unavoidable  
407 residual environmental contamination" must be determined by the  
408 Secretary and, therefore, is not predetermined to mean zero  
409 residue.

410 The NOSB believes that a residue standard of 100% of EPA tolerance  
411 is unacceptable. The organic community, consumer groups, and  
412 environmental groups are generally opposed to such a standard for  
413 organic food as well.

414 Because a zero residue standard and a 100% of EPA tolerance  
415 standard are both unacceptable, the NOSB is proposing that the  
416 residue level for organic food be set at 5% of EPA tolerance. For  
417 the purposes of the OFPA, "unavoidable residual environmental  
418 contamination" shall mean no more than 5% of the EPA tolerance.

419 In proposing this residue standard, the NOSB re-emphasizes that the  
420 residue standard does not define organic food (organic is a  
421 production claim, not a residue-free claim). Rather, the residue  
422 standard serves as a tool (mandated by the OFPA) to assist USDA,  
423 State organic programs, and private certification agents in  
424 assuring compliance with the OFPA by organic producers and  
425 handlers. Nevertheless, the NOSB recognizes that the residue  
426 standard being considered is central to maintaining consumer  
427 confidence in the entire organic system. With this responsibility  
428 in mind, the NOSB believes the proposed residue standard is  
429 consistent with the OFPA, with the legislative intent, and with  
430 several existing State organic laws. In addition, the proposed  
431 residue standard will well serve consumer interest by adequately  
432 balancing food safety concerns with the practical limitations of  
433 producing organic food in farm communities where pesticides have

434 been used and will continue to be used in the future.

435 **RECOMMENDATION**

436 1. Pesticide Residue Level for Organic Food and Feed

437 Agricultural products sold or labeled as organic shall not contain  
438 pesticide residues in excess of the FDA action level or 5% of the  
439 EPA tolerance. If, for a specific pesticide, detection at 5% of  
440 the EPA tolerance is not technically feasible, the pesticide  
441 residue level shall be the lowest level of detection attainable for  
442 that pesticide. In such situations, the certifying agent shall  
443 survey the regionally available accredited laboratories and select  
444 the laboratory with the analytical procedures capable of detecting  
445 the lowest level for the pesticide.

446 For the purposes of the Federal Organic Foods Production Act,  
447 "unavoidable residual environmental contamination" shall mean no  
448 more than the FDA action level or 5% of the EPA tolerance.

449 No State shall be permitted to lower the pesticide residue level  
450 for organically produced agricultural products below the FDA action  
451 level or 1% of the EPA tolerance.

452 The pesticide residue level for organic food and feed shall be  
453 reviewed annually by the National Organic Standards Board. Such  
454 review shall include consideration of the effects of improvements  
455 in residue testing technology and changes in EPA tolerances.

456 2. System of Residue Testing - OFPA §§ 2112(a), 2107(a)(6)

457 A. National

458 The Secretary of Agriculture and the Secretary of Health and Human  
459 Services shall enter into an agreement that directs FDA to include  
460 a relative percentage (not less than 1%) of organic raw  
461 agricultural commodity samples and organically processed product  
462 samples as part of its Regulatory Monitoring program for pesticide  
463 residues. Results obtained from organic produce and organically  
464 processed products shall be compiled in a separate annual report  
465 submitted to USDA.

466 If a pesticide residue or residue of another prohibited substance  
467 is found on an organic raw agricultural commodity or an organically  
468 processed product by the FDA Regulatory Monitoring program, FDA  
469 shall immediately notify the Secretary, the applicable governing  
470 State official, and the applicable certifying agent of the finding  
471 so an investigation can be conducted under § 2112(c)(1) of the Act.



472 B. State  
473 For those States that conduct pesticide residue monitoring  
474 programs, the Secretary of Agriculture and the applicable governing  
475 State official shall enter into an agreement that directs the State  
476 to include a relative percentage (not less than 1%) of organic raw  
477 agricultural commodity samples and organically processed product  
478 samples as part of the State pesticide residue monitoring program.  
479 Results obtained from organic produce and organically processed  
480 product samples shall be compiled in a separate annual report  
481 submitted to USDA.

482 If a pesticide residue or residue of another prohibited substance  
483 is found on an organic raw agricultural commodity or an organically  
484 processed product by a State pesticide residue monitoring program,  
485 the State shall immediately notify the Secretary, the State  
486 governing official, and the applicable certifying agent of the  
487 finding so an investigation can be conducted under § 2112(c)(1) of  
488 the Act.

489 C. Local - Periodic Residue Testing Program - § 2107(a)(6)  
490 The certifying agent shall develop and implement a system for  
491 evaluating the potential for agricultural products produced on  
492 certified organic farms or by certified organic handlers to contain  
493 residues of pesticides or other prohibited substances. Such  
494 evaluation shall include an assessment of the potential for  
495 residues on organic products resulting from residues in soil,  
496 residues in irrigation water or rainfall, drift, State or Federal  
497 emergency spray programs, and intentional application of prohibited  
498 substances by the grower or handler.

499 The certifying agent shall conduct periodic residue testing of  
500 agricultural products to be sold as organic in the following  
501 situations:

- 502 1. In cases of pesticide drift.  
503 2. When farm or handling facility inspection leads to  
504 suspicion of residue problems.

505 The certifying agent may conduct periodic residue testing of  
506 agricultural products to be sold as organic in situations such as  
507 the following:

- 508 1. Suspicion that the soil harbors contaminants.  
509 2. Suspicion that irrigation water or rainfall contains re  
510 si  
511 du  
512 es  
513 .  
514 3. During the 36 month period immediately following

515 treatment of a certified organic farm by a State or Federal  
516 emergency spray program.

517 4. In response to written complaints.

518 5. To follow up on positive residue testing results from  
519 Federal, State, or local government testing.

520 If a pesticide residue or residue of another prohibited substance  
521 is found on an organic raw agricultural commodity or an organically  
522 processed product by a certifying agent, the certifying agent shall  
523 immediately notify the Secretary and the State governing official  
524 of the finding so an investigation can be conducted under §  
525 2112(c)(1) of the Act. Strict confidentiality will be maintained  
526 by all parties notified of a drift incident or misapplication  
527 during the investigation .

528                   D.   ALLOWANCE FOR A "SPLIT OPERATION"

529                               STATUTORY REQUIREMENT

530   Section 2107(b)(1)(A), (B), and (C):

531   Discretionary Requirements:

532   (1) provide for the certification of an entire farm or handling  
533   operation or specific fields of a farm or parts of a handling operation  
534   if -

535   (A) in the case of a farm or field, the area to be certified has  
536   distinct, defined boundaries and buffer zones separating the land being  
537   operated through the use of organic methods from land that is not being  
538   operated through the use of such methods;

539   (B) the operators of such farm or handling operation maintain records of  
540   all organic operations separate from records relating to other  
541   operations and make such records available at all times for inspection  
542   by the Secretary, the certifying agent, and the governing State  
543   official; and

544   (C) appropriate physical facilities, machinery, and management practices  
545   are established to prevent the possibility of a mixing of organic and  
546   nonorganic products or a penetration of prohibited chemicals or other  
547   substances on the certified area. . .

548                               COMMENTARY

549   The process of conversion from a conventional farming operation to  
550   an operation that relies solely on organic production methods is  
551   based on the producer's assessment of the agronomic, economic, and  
552   environmental benefits of organic agriculture as well as on the  
553   producer's personal philosophy. The fact that some farmers decide  
554   to maintain conventional production methods in some areas of their  
555   farms while employing organic methods in other areas prompts  
556   philosophical debate over the producer's commitment to "organic"  
557   and practical debate over the implications for organic  
558   certification. The debates over such "split operations" have been  
559   carried out at the local, national, and international levels for  
560   many years.

561   Those promoting a required 100% conversion to organic production  
562   methods offer the following arguments. The extent to which a  
563   farming operation has been or is being converted to organic  
564   production is an indication of the producer's commitment to the  
565   organic philosophy to some. Others believe split operations are  
566   difficult or impossible to certify because the risks of  
567   contamination or fraud are too high and an unbroken chain of

568 custody is possible only within an all organic management system.  
569 It is also pointed out that some certification organizations in  
570 this country and in Europe now require a gradual conversion of  
571 participating farms to a totally organic operation.

572 Those promoting an allowance for split operations offer the  
573 following arguments: Real commitment to an organic system will  
574 flow from the actual success of a producer and should not be  
575 mandated by the government. Sometimes the economics of an  
576 operation will prohibit a producer from fully acting on the  
577 commitment they might have to the organic philosophy. In addition,  
578 it is argued that mandatory whole farm conversion discourages entry  
579 level organic production and may force a premature commitment from  
580 growers who are evaluating the agronomic and economic impacts of  
581 the organic transition of their farms. While split operations  
582 present a significant challenge to certifiers, the real issue is  
583 the ability of the farm management system to maintain the organic  
584 integrity of organic fields and crops.

585 The NOSB believes that the Organic Foods Production Act of 1990  
586 (OFPA) neither requires nor implies a commitment from the producer  
587 to complete conversion of the farm to organic production methods.  
588 The OFPA states in the definitions (§ 2103(4)) that the term  
589 "certified organic farm" may refer to a "portion of the farm." §  
590 2107(b)(1)(A), (B), and (C) states that the "program established  
591 under this title may provide for the certification of an entire  
592 farm. . . or specific fields of a farm." The NOSB recognizes the  
593 challenges that certifying a split operation presents, but again  
594 believes that the OFPA addresses this challenge. Under  
595 § 2107(b)(1), restrictions on farms with split operations are  
596 clearly identified, setting forth requirements for boundaries and  
597 buffer zones, separate record-keeping, measures for preventing co-  
598 mingling of product in handling and processing, and measures for  
599 preventing "a penetration" of substances used under conventional  
600 farming practices into "the certified area." The NOSB wishes to  
601 acknowledge that significant challenges lie ahead for certifying  
602 agents whose task is to verify compliance on split operations. It  
603 can be especially difficult in split livestock operations where the  
604 mobility of animals presents increased risks and may require  
605 increased scrutiny. In order to address this issue over time, and  
606 to encourage conversion to 100% organic production, the Committees  
607 will amend the Organic Farm Plan to include a section which  
608 requests that producers describe their current efforts and existing  
609 obstacles toward conversion.

610 **RECOMMENDATION**

611 In a farming operation where both organic and non-organic fields,

612 crops, and livestock are managed, the time table and level of  
613 transition to organic production is at the discretion of the  
614 producer. The producer must be in full compliance with §  
615 2107(b)(1)(A), (B), and (C) of the OFPA of 1990. Organic  
616 certification should be determined solely on the basis of the  
617 farm's compliance with the OFPA.

618 **E. PLANTING STOCK POLICIES**

619 STATUTORY REQUIREMENTS FOR SEED, SEEDLINGS,  
620 AND PLANTING STOCK

621 OFPA § 2109 : "For a farm to be certified under this title,  
622 producers on such farm shall not apply materials to, or engage in,  
623 practices on seeds or seedlings that are contrary to, or  
624 inconsistent with, the applicable organic certification program."

625 TRANSPLANTS

626 OFPA § 2109(c)(3) : "For a farm to be certified under this title,  
627 producers on such farm shall not . . . use transplants that are  
628 treated with any synthetic or prohibited materials."

629 **RECOMMENDATION**

630 In addendum to the statutory requirements, the NOSB proposes the  
631 following standards:

632 Definitions

633 Commercially Available : The determination of commercial  
634 availability shall be at the discretion of the certifying agent and  
635 entail the following good faith efforts documented in writing by  
636 the producer: (a) the good faith efforts made to locate or develop  
637 a source of organic transplants or untreated seed; and (b) progress  
638 made over the previous year to eliminate non-organic transplants or  
639 untreated seed.

640 Annual Transplants

641 Recommendation : All annual transplants utilized in a certified  
642 organic farming operation shall be organically grown in accordance  
643 with the Organic Foods Production Act of 1990 (OFPA), with the  
644 following exception: If organically grown transplants are  
645 destroyed by frost, flood, or other natural disaster, resulting in  
646 non-availability of organically grown transplants for replanting,  
647 the use of non-organic transplants may be permitted. Determination  
648 of disaster status and organic transplant availability shall be  
649 determined by the certifying agency.

650 Perennial Transplants

651 Recommendation : One year of organic management is required prior  
652 to harvest from perennial plant material which is not produced from  
653 organic stock.

654 Commentary: The term "perennial transplant," for the purposes of  
655 the above standard, identifies tree fruits, grapes, and small  
656 fruits of genus Rubus, Ribes, and Vaccinium, including transplanted  
657 mature bearing stock. In general, the NOSB considers perennial  
658 planting stock from any source to be "organically produced" after  
659 one year of organic management. Although there is some organically  
660 produced stock currently available, there are not enough of all  
661 varieties of all crops yet available to require perennial trees and  
662 vines be organically produced.

#### 663 Specific Transplant Standards

664 The types of transplants described specifically below are plants  
665 propagated vegetatively, by means of division, specialized organs,  
666 such as bulbs or corms, layering, cuttings, and tissue culture to  
667 reproduce an individual plant without genetic change.

668 In all situations where availability of organic planting stock is  
669 an issue, the NOSB urges organic producers to persistently request  
670 that organic stock and transplant growers research and develop  
671 organic propagation.

#### 672 Asparagus

673 Recommendation: One year of organic management is required prior  
674 to the harvest of spears from asparagus crowns that were not  
675 organically produced.

676 Commentary: Asparagus is a perennial plant. Direct field seeding  
677 of asparagus is practiced by few growers. Most asparagus plants  
678 are started by planting one year old crowns. Typically, the crowns  
679 are grown in a nursery in early spring. The following spring, the  
680 plants are dug, separated, and replanted in permanent beds.  
681 Harvesting of asparagus spears usually begins the third spring from  
682 planting.

#### 683 Garlic

684 Recommendation: Garlic cloves utilized for the propagation of  
685 garlic plants shall be organically produced, with the following  
686 exception: if the producer can document to the satisfaction of a  
687 USDA accredited certifying agency that organic garlic cloves are  
688 not commercially available, non-organic garlic cloves shall be  
689 permitted.

690 Commentary: Garlic is vegetatively propagated through the cloves.  
691 Garlic seed is rarely produced.

692

### Onion

693 Recommendation : Onion sets, top sets, and multipliers utilized in  
694 a certified organic farming operation shall be organically  
695 produced, with the following exception: if the producer can  
696 document to the satisfaction of a USDA accredited certifying agency  
697 that organic onion sets, top sets, or multipliers are not  
698 commercially available, non-organic stock shall be permitted.

699 Commentary : Although the common field onion is propagated directly  
700 from seed, other varieties of the same species are propagated  
701 asexually, by 1) sets; 2) top sets; or 3) multipliers. Sets are  
702 small onions halted in development by being grown very thickly from  
703 seed and ripened off early in the season. When planted the  
704 following spring, they resume their growth and produce mature bulbs  
705 earlier than direct seeded onions of the same variety. Top set  
706 onions are little bulbuls that appear on the flower cluster in the  
707 place of flowers and are handled in the same way as sets.  
708 Multipliers or "potato onions": are a form in which the bulb  
709 divides into separable parts and each part is planted the following  
710 spring.

711

### Rhubarb

712 Recommendation : One year of organic management is required prior  
713 to harvest from rhubarb roots that were not organically produced.

714 Commentary : Rhubarb is a perennial plant, usually propagated by  
715 division of the fleshy roots, small pieces of which will grow if  
716 separated from the old established roots and planted in rich soil.  
717 Planting is typically in the spring.

718

### Seed Potatoes

719 Recommendation : Seed potatoes utilized for the propagation of  
720 organic potato plants shall be organically produced, with the  
721 following exception: if the producer can document to the  
722 satisfaction of a USDA accredited certifying agency that organic  
723 seed potatoes are not commercially available, non-organic seed  
724 potatoes, including those treated with synthetic post-harvest  
725 fungicides, shall be permitted.

726 Commentary : Potatoes are vegetatively propagated through the  
727 tubers, commonly known as "seed potatoes" within the trade. To the  
728 knowledge of the NOSB, sources of potatoes produced organically for  
729 seed are scarce, particularly because of the strict phytosanitary  
730 requirements of various State seed certification programs which  
731 encourage post-harvest use of fungicide and other prohibited  
732 materials prior to storage.



733

### Strawberries

734 Recommendation : Strawberry crowns utilized in a certified organic  
735 farming operation shall be organically produced, with the following  
736 exception: If the producer can document to the satisfaction of a  
737 USDA accredited certifying agency that organic strawberry crowns  
738 are not commercially available, non-organic strawberry crowns,  
739 including those treated post-harvest with prohibited substances,  
740 shall be allowed.

741 Commentary : Strawberry plants are typically propagated by the  
742 formation of new plants called "crowns" that are formed on runners,  
743 and are abundantly produced during the growing season. Commercial  
744 strawberry producers usually set nursery-grown plants. Although  
745 strawberries are perennial plants, in California and most southern  
746 States, strawberries are planted in the fall and will produce their  
747 first crop the following spring, about six months from planting.  
748 To the knowledge of the NOSB, organically produced strawberry  
749 crowns are not commercially available, particularly because in many  
750 areas they must be certified disease-free by county or State order  
751 which necessitates fumigation.

752

### Sweet Potatoes

753 Recommendation : Sweet potato slips and vine cuttings must be  
754 organically produced. "Seed" tubers may be obtained from non-  
755 organic sources and post-harvest treatment with synthetic  
756 fungicides is allowed if the producer can document to the  
757 satisfaction of a USDA accredited certifying agency that  
758 organically produced seed tubers are not commercially available.  
759 Such tubers must have been grown without the application of  
760 pesticides prohibited by the National List to the plant or soil.

761 Commentary : Propagation of sweet potatoes is asexual, using  
762 transplants or vine cuttings. Transplants are called "slips," and  
763 arise from "seed" tubers placed in either heated or unheated beds  
764 and covered by about 2 inches of sterilized sand. Two or three  
765 pullings of slips are often practiced. In areas of long growing  
766 seasons, after early plantings are established with transplants,  
767 later plantings may be established with vine cuttings obtained by  
768 cutting eight to ten inches of tips of growing vines. This  
769 involves considerable labor and tends to reduce yields of the  
770 mother plantings, but has the advantages of requiring less seed  
771 stock and reducing danger of spreading diseases and pests.

772

### TREATED SEEDS

773 OFPA § 2118(c)(1)(B)(i) : "The National List may provide for the  
774 use of substances in an organic farming or handling operation that  
775 are otherwise prohibited under this title only if . . . the  
776 substance . . . is used in production and contains an active  
777 synthetic ingredient in the following categories: . . . treated  
778 seeds . . ."

779 As an addendum to the statutory requirements, the NOSB proposes the  
780 following standards:

781 Recommendation : Seed treated with substances prohibited by OFPA  
782 are prohibited, with the exception of seed treated with synthetic  
783 fungicides appearing on the National List. The requirements  
784 appearing in the section addressing commercial availability must be  
785 fully satisfied. Pelletized seed is allowed unless it contains  
786 prohibited substances. Plastic polymer pelletization of seed  
787 shall be prohibited. Seed originating from recombinant DNA  
788 technology shall also be prohibited.

789 Commentary : Synthetically treated seeds have been historically  
790 exempted for use in organic production and are exempted in the  
791 OFPA. It is the understanding of the NOSB that fungicide treatment  
792 plays a critical role in germination and establishment of certain  
793 seeded crops planted into heavy, wet, cold soils. Furthermore, to  
794 the knowledge of the NOSB, treated seed may be the only seed  
795 commercially available for certain crop varieties. While some work  
796 is being done to find alternatives to chemical treatment of seed by  
797 treating with naturally occurring substances, this research has not  
798 yet resulted in practical alternatives to chemical seed treatments.  
799 The NOSB strongly supports the efforts of seed companies to offer  
800 untreated seed and the efforts of researchers to develop  
801 organically acceptable seed treatments.

802 Seed for Sprouts

803 Recommendation : Seed utilized for the production of edible sprouts  
804 shall be organically produced.

805 **F. ORGANIC FARM PLAN**

806 **STATUTORY REQUIREMENTS**

807 "The term 'certified organic farm' means a farm or portion of a farm,  
808 or site where agricultural products or livestock are produced, that is  
809 certified by the certifying agent under this title as utilizing a system  
810 of organic farming as described by this title." (OFPA § 2114(a))

811 "The term 'organic plan' means a plan of management of an  
812 organic farming or handling operation that has been agreed to by  
813 the producer or handler and the certifying agent and includes  
814 written plans concerning all aspects of agricultural production or  
815 handling described in this title including crop rotation and other  
816 practices as required under this title." [Organic Foods Production  
817 Act of 1990 (OFPA) § 2103] "A producer or handler seeking  
818 certification under this title shall submit an organic plan to the  
819 certifying agent and the State organic certification program (if  
820 applicable), and such plan shall be reviewed by the certifying  
821 agent who shall determine if such plan meets the requirements of  
822 the programs." (OFPA § 2114)

823 **RECOMMENDATION**

824 The purpose of the Organic Farm Plan is twofold; to assist the  
825 producer and to assist the certifying agent. For the producer, the  
826 Organic Farm Plan provides a flexible, useful, and affordable tool  
827 for developing an ecologically sound resource management system on  
828 her/his farm. The process of developing the Organic Farm Plan  
829 allows the producer to plan and evaluate farm management practices  
830 and make tangible improvements in the farming operation. For the  
831 certifying agent, the Organic Farm Plan provides essential  
832 information for assessing the producer's compliance with the OFPA.

833 The Organic Farm Plan is a written document that describes how  
834 the organic farm is managed. It is written by the producer, agreed  
835 to by the certifying agent, and must be updated annually to reflect  
836 changes and improvements in farm management . The actual format may  
837 be incorporated into the documents which the certifying agent uses  
838 in their yearly application/renewal process or as a part of their  
839 annual farm inspection. The following components, presented below  
840 in questionnaire form, must be included if they are relevant to the  
841 operation.

842 The Organic Farm Plan must address the key elements of organic  
843 crop production: soil and crop management, resource management,  
844 crop protection, and maintaining organic integrity through growing,  
845 harvesting, and post-harvest operations. Where livestock are

846 included in the overall operation of the Organic Farm for the  
847 purpose of marketing and labeling organic livestock and livestock  
848 products, the Organic Farm Plan must address the key elements of  
849 organic livestock production: manure management; livestock health,  
850 care, and breeding practices; animal sources; feed sources; feed  
851 contingency plans for shortages and emergencies; maintenance of  
852 organic feed integrity from field to feeding; housing and living  
853 conditions; record keeping; handling practices; pasture and grazing  
854 land management; ecosystem oversight to reduce the environmental  
855 impact of animal production practices; and, if applicable,  
856 appropriate details for ensuring integrity of organic animals on a  
857 split operation.

858 Not all components of the Crops or Livestock questionnaires  
859 presented below will apply to all farms. Producers must decide  
860 which components are relevant to their operations and include them  
861 in their individual organic farm plans.

862 Organic farming is not merely a list of acceptable and  
863 prohibited materials. It is a management-intensive technology  
864 designed to achieve a balance in the agricultural and livestock  
865 system similar to that found in natural systems. Such a balance  
866 produces healthy soils and high quality crops and livestock. A  
867 commitment to long-term soil improvement or maintenance at a high  
868 fertility level should be reflected in the Organic Farm Plan. The  
869 emphasis should be on building up organic matter in the soil  
870 through green manuring and/or applications of composted materials  
871 with complementary application of rock minerals. While certain  
872 soluble soil fertilizing materials and foliar applications are not  
873 prohibited, they must be used as an adjunct to a long-term approach  
874 to soil fertility and/or for specific short-term needs.

875 The grower will provide adequate maps of all parcels farmed  
876 under his or her control, with 3-year histories of all parcels, as  
877 part of their certification application.

878 The inclusion of livestock in a total farm organic management  
879 system contributes significantly to closed nutrient recycling  
880 through the utilization of forages on fields with rotational  
881 seedings and through the production of nutrient-rich manure.

882 Persons raising livestock organically must be committed to  
883 providing positive health management practices and the utilization  
884 of organically produced feeds for nutrient and mineral needs in  
885 order to produce progressively stronger animals and eliminate a  
886 dependency on and use of veterinary medications. The animal's  
887 spatial environment must be managed so as to avoid population  
888 densities that may lead to stress and disease problems.

ORGANIC FARM PLAN QUESTIONNAIRE  
(YEAR) (CERTIFYING AGENT)

Producer Name \_\_\_\_\_  
Farm Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone/(fax) \_\_\_\_\_

I. Crop Management

A. Describe the general crop rotation for your annual crops. Explain any particular management strategies in the rotation and list which fields are following this rotation. List fields that are not following this rotation and comment on their status. Comment on any trends you are seeing and mention any changes you may make in your rotations because of these trends.

B. Describe the general management plan for your perennial crops. List which fields are following this plan. List fields that are not following this plan and comment on their status. Comment on any trends you are seeing and mention any changes you may make in your plans because of these trends.

C. (ANNUAL CROPS) Describe seedling production, including planting media ingredients or source of seeds and seedlings. Comment on any trends you are seeing and mention any changes you may make in your management because of these trends.

D. (FOR OPERATIONS THAT DO NOT FIT INTO THE ABOVE, I.E., MUSHROOMS, SPROUTS, MAPLE SYRUP, ETC.) Describe your basic crop management scheme and strategy. Comment on any trends you are seeing and mention any changes you may make in your management because of these trends.

II. Soil and Resource Management

A. Describe your tillage program and any steps taken to control soil erosion. Comment on any trends you are seeing and mention any changes you may make in your management because of these trends.

---

B. List all resources used to build or maintain soil fertility. Indicate quantity used, how used, and source of all bulk organic matter, including green manures. Comment on any trends you are seeing using these resources and mention any changes you may make in your management because of these trends.

---

C. List all uses of manure in the operation and discuss how manure is handled within the guidelines in the OFPA. Describe uses of raw manure on green manure crops, perennial crops, or other crops not for human consumption. When raw manure is applied to crops for human consumption, verify that applications are made no less than 60 days before harvest. Describe management steps to assure that manure application does not contribute to nitrate or bacterial contamination of water. Include description of on-farm composting where applicable and/or document off-farm compost ingredients. Comment on any trends you are seeing using manure and mention any changes you may make in your management because of these trends.

---

D. List all other inputs used in crop production for nutrients or growth promotion (include all microbial inoculate, foliar feeds, etc.). Itemize all use of fertilizing materials with high salt content, such as sodium nitrate and potassium chloride, and explain how salt buildup in soil is prevented. Comment on any trends you are seeing using these inputs and mention any changes you may make in your management because of these trends.

---

E. Describe your water source and management of it. Comment on any trends you are seeing in the quality of your water source and results of any irrigation program and/or moisture management program. Mention any changes you may make in your management because of these trends.

---

F. Describe use of soil, water, and plant tissue testing as management tools on your farm. Comment on any trends you are seeing in the results obtained from soil, water, and plant tissue testing and mention any changes you may make in your management because of these trends.

---

### III. Pest Management

979 A. List pest management strategies and pest control materials  
980 used to prevent or manage insect, disease, nematode, weeds, and  
981 vertebrate pest problems. Comment on any trends you are seeing as  
982 a result of the use of these materials and strategies and mention  
983 any changes you may make in your management because of these

984 trends.

985

986

#### 987 IV. Maintaining Organic Integrity

988 A. Identify potential sources of contamination by prohibited  
989 substances and stages of production where co-mingling of organic  
990 crops and conventional crops could occur. Describe land use on the  
991 borders of the organic fields on your farm. If conventional  
992 farming operations exist near the borders of the organic fields of  
993 your farm, describe strategies used (notification, buffer zones,  
994 etc.) to minimize the potential for contamination by prohibited  
995 substances on the organic fields of your farm. If a split  
996 operation, describe your system for avoiding potential  
997 contamination of prohibited substances used on the conventional  
998 portion of your farm. Describe how your crops are handled after  
999 harvest to prevent contamination or mixing of organic and non-  
1000 organic products. Mention how your precautionary steps have been  
1001 working as well as any changes you may be considering.

1002

1003

1004 B. Describe the farm's record-keeping system and illustrate the  
1005 ability to preserve the organic identity of farm products through  
1006 the maintenance of an unbroken chain of custody.

1007

1008

#### 1009 V. Management of Wild Crops

1010 A. Identify the area from which the wild crop will be gathered or  
1011 harvested. Include a three-year history of the management of the  
1012 area, listing all materials applied to the area and date of  
1013 application. Comment on any trends you are seeing and mention any  
1014 changes you may make because of these trends.

1015

1016

1017 B. Describe plan for the harvesting or gathering of the wild  
1018 crops that assures such harvesting or gathering will not be  
1019 destructive to the environment and will sustain the growth and  
1020 production of the wild crop. Comment on any trends you are seeing  
1021 as a result of this plan and mention any changes you may make in

1022 your management because of these trends.

1023

1024

1025 C. Answer Section IV Part A as it applies to the wild crop in  
1026 question . Comment on any trends you are seeing as a result of these  
1027 precautionary measures and mention any changes you may make because  
1028 of these trends.

1029

1030

1031 **G. EMERGENCY SPRAY EXCEPTION**

1032 **STATUTORY REVIEW**

1033 Section 2105(2): To Be Sold Or Labeled As An Organically Produced  
1034 Agricultural Product Under This Title, An Agricultural Product Shall-

1035 (2) . . . Not Be Produced On Land To Which Any  
1036 Prohibited Substances, Including Synthetic  
1037 Chemicals, Have Been Applied During The 3 Years  
1038 Immediately Preceding The Harvest Of The  
1039 Agricultural Product.

1040 Section 2107(B)(2) :

1041 Discretionary requirements: an organic certification program established  
1042 under this title may -

1043 (2) provide for reasonable exemptions from specific requirements of thi s  
1044 title (except the provisions of sect ion 2112) with respect to agricultural  
1045 products produced on certified organic farms if such farms are subject to  
1046 a Federal or State emergency pest or disease program.

1047 Emergency Spray Exception:

1048 Report Of The Committee On Agriculture, Nutrition, And

1049 Forestry - United States Senate

1050 Exemptions For Emergency Pest Or Disease Treatment :

1051 The Secretary may provide for reasonable exemptions from specific  
1052 requirements of this legislation with respect to agricultural products  
1053 produced on organically certified farms if such farms are subject to  
1054 Federal or State emergency pest or disease treatment programs.

1055 **RECOMMENDATION**

1056 The exemption for organic farms means that such farms shall not lose  
1057 certification and shall be permitted to continue labeling food produced  
1058 on such farms as "organically produced." The one exception to this is  
1059 in regard to residue testing - the products of such farms must still  
1060 meet whatever residue requirements are set by the Secretary for all



1061 organically produced food. The NOSB recommends to the Secretary that in  
1062 those areas where emergency pest or disease treatment occurs additional  
1063 residue testing be undertaken to ensure that food products meet the  
1064 standards set forth under this title.

1065 I. Mitigation of Damages to Producers Created by Emergency Pest  
1066 Eradication Programs  
1067

1068 The Secretary shall instruct local, State, and Federal agencies  
1069 responsible for conducting emergency pest eradication programs to  
1070 take all possible steps to avoid treatment of certified organic  
1071 farms with prohibited substances when such farms are subjected to  
1072 emergency pest eradication programs. Agencies responsible for  
1073 conducting emergency pest eradication programs shall be encouraged  
1074 to use non-chemical pest control methods and/or substances allowed  
1075 under this title for use on certified organic farms when conducting  
1076 emergency pest eradication programs on such farms.

1077 II. Compensation for Damages to Producers Created by Emergency  
1078 Pest Eradication Programs

1079 The Secretary shall work with local, State, and Federal agencies  
1080 responsible for conducting emergency pest eradication programs to  
1081 develop a system of compensation for all damages resulting from the  
1082 treatment of a certified organic farm, or portion thereof, with a  
1083 prohibited substance used in any emergency pest eradication  
1084 program. The producer shall be compensated by the responsible  
1085 government agency for all crop losses and market losses caused by  
1086 the treatment of the certified organic farm with a prohibited  
1087 substance used in an emergency pest eradication program.  
1088

1089 III. Emergency Spray Exception

1090 Pursuant to the discretionary authority granted the Secretary under  
1091 § 2107(b)(2) [§ 6506(b)(2)], the following exception to the  
1092 National Organic Standards that appear in § 2105(2) [§ 6504(2)] is  
1093 proposed:

1094 Any certified organic farm or portion of a certified organic farm  
1095 that is:

- 1096 1. treated with a prohibited substance; and  
1097 2. such treatment is the direct result of an intentional  
1098 local, State or Federal emergency pest eradication  
1099 program,

1100 shall be excepted from the requirement in § 2105(2) [§ 6504(2)]  
1101 which requires agricultural products sold or labeled as organically  
1102 produced to be produced on land that has not had prohibited  
1103 substances applied during the three years immediately preceding the

1104 harvest of the agricultural products.

1105 IV. Agricultural Products Receiving Direct Emergency Spray

1106 Any agricultural products, including livestock, feed crops and  
1107 pasturage, that are:

- 1108 1. produced on a certified organic farm;
- 1109
- 1110 2. exposed to a prohibited substance; and
- 1111
- 1112 3. such exposure is the direct result of an intentional
- 1113 local, State or Federal emergency pest eradication program,
- 1114
- 1115 shall not be sold or labeled as organically produced or fed to
- 1116 organic livestock.
- 1117

1118 V. Requirements for the Producer

1119

1120 In situations where a certified organic farm, or portion thereof,  
1121 is exposed to a prohibited substance as a direct result of an  
1122 intentional State or Federal emergency pest eradication program,  
1123 the certified producer shall:

1124

- 1125 1. Notify the accredited certifying agent that a Federal or
- 1126 State emergency pest eradication program has caused a material
- 1127 prohibited by the Organic Foods Production Act to be applied
- 1128 to the certified farm. Notification shall occur within 48
- 1129 hours of discovery.
- 1130

1130

1131 VI. Requirements for Certifying Agents

1132

1133 In situations where a certified organic farm, or portion thereof,  
1134 is exposed to a prohibited substance as a direct result of an  
1135 intentional local, State or Federal emergency pest eradication  
1136 program, the certifying agent shall:

1137

- 1138 1. Determine the prohibited substance or substances used by
- 1139 the government in the emergency pest eradication program;
- 1140
- 1141 2. Notify the certified organic producer that all
- 1142 agricultural products that received a direct exposure to the
- 1143 prohibited substance (or substances) used in the emergency
- 1144 pest eradication program shall not be sold or labeled as
- 1145 organically produced or fed to organic livestock. In the case
- 1146 of pasturage that cannot be cut for hay or otherwise removed,
- 1147 organic livestock shall not be allowed access to the pasture
- 1148 for the remainder of that pasture season. For continuously
- 1149 growing pasture systems, the determination of the withholding

1150 period shall be at the discretion of the certifying agent;  
1151 and  
1152  
1153 3. Determine how residue testing will be used to ascertain if  
1154 agricultural products can be sold or labeled as organically  
1155 produced or fed to organic livestock that:  
1156  
1157 a) did not receive a direct exposure to the prohibited  
1158 substance used in the emergency pest eradication program;  
1159 and  
1160 b) are harvested or used for pasturage within the three  
1161 year period immediately following exposure of the  
1162 certified organic farm with the prohibited substance.  
1163  
1164 Such agricultural products and pasturage having pesticide residues  
1165 that exceed the FDA action level or 5% of the EPA tolerance for any  
1166 prohibited pesticide shall not be sold or labeled as organically  
1167 produced or fed to organic livestock.



**NATIONAL ORGANIC STANDARDS BOARD  
FINAL RECOMMENDATIONS**

Adopted June 2-4, 1994 in Santa Fe, New Mexico

**ORGANIC LIVESTOCK PRODUCTION STANDARDS**

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21     PART I         INTRODUCTION

22     A.     PURPOSE

23     This comprehensive document contains the recommended organic  
24     livestock production standards being prepared by the Livestock  
25     Committee and the National Organic Standards Board (NOSB) for  
26     recommendation to the Secretary of Agriculture, USDA.

27     B.     DEFINITIONS

28     **THE FOLLOWING TERMS AND DEFINITIONS ARE A WORKING VOCABULARY FOR**  
29     **THE LIVESTOCK COMMITTEE AND HAVE NOT BEEN FORMALLY ACCEPTED FOR**  
30     **RECOMMENDATION TO THE SECRETARY.**

31                                 Statutory Definitions  
32                                 Section 2103 of the OFPA

33     Botanical Pesticides.     The term "botanical pesticides" means  
34     natural pesticides derived from plants.

35     Certified Organic Farm.     The term "certified organic farm" means a  
36     farm, or portion of a farm, or site where agricultural products or  
37     livestock are produced, that is certified by the certifying agent  
38     under [the OFPA] as utilizing a system of organic farming as  
39     described by [the OFPA].

40     Livestock.     The term "livestock" means any cattle, sheep, goats,  
41     swine, poultry, equine animals used for food or in the production  
42     of food, fish used for food, wild or domesticated game, or other  
43     nonplant life.

44     Synthetic.     The term "synthetic" means a substance that is  
45     formulated or manufactured by a chemical process or by a process  
46     that chemically changes a substance extracted from naturally  
47     occurring plant, animal, or mineral sources, except that such term  
48     shall not apply to substances created by naturally occurring  
49     biological processes.

50     In addition to these statutory definitions, the Livestock Committee  
51     proposes that the following definitions be established:

52     Audit Trail.     The term "audit trail" means a verifiable record-  
53     keeping system which enables the organic product to be traced from  
54     final stage back to origin and includes a documentation of all  
55     inputs used in production for the purpose of organic certification.

56     Breeder Stock.     Female parent of organic livestock.

57 Commercially Available. [incomplete]

58 Concentrate. The term "concentrate" means a feed used with another  
59 feed to improve the nutritional value of the ration. Generally, a  
60 concentrate is a feed grain with a greater protein or energy  
61 content than roughage.

62 Drylot. Paved or unpaved enclosure, devoid of vegetation.

63 Farming Operation. The term "farming operation" means a single  
64 farm site located in isolation from other farm sites under the  
65 ownership or management of the producer. [Draft]

66 Feed. The term "feed" means edible materials which are consumed by  
67 livestock. Feed may be concentrates (grains) or roughages (hay,  
68 silage, fodder). The term "feed" encompasses all agricultural  
69 commodities, including pasture, ingested by livestock for  
70 nutritional purposes.

71 Feed Supplement. The term "feed supplement" means a feed  
72 used with another feed to improve the nutritive balance  
73 or performance of the total ration and intended to be:  
74 (1) Diluted with other feeds when fed to livestock;  
75 (2) Offered free choice with other parts of the ration  
76 if separately available; or  
77 (3) Further diluted and mixed to produce a complete feed.

78 Feed Additive. The term "feed additive" means a substance or  
79 combination of substances added to feed in micro quantities to  
80 fulfill a specific need, i.e. nutrients in the form of amino acids,  
81 minerals, and vitamins.

82 Forage. The term "forage" means vegetable material in a fresh,  
83 dried, or ensiled state (pasture, hay or silage) which is fed to  
84 livestock.

85 Inputs. [incomplete]

86 Manure Refeeding. The intentional addition of manure or livestock  
87 litter to the ration.

88 Organic. An adjective to define livestock certifiable according to  
89 the recommended standards.

90 Organic Production Methods. Fed 100% organic feed and under  
91 organic methods as defined by the recommended standards.

92 Organically-Raised. Fed 100% organic feed and under organic  
93 production methods as defined by the recommended standards.

Ration. The term "ration" means the daily amount of feed supplied to an animal.

Balanced Ration. The term "balanced ration" means a ration that provides an animal the proper amounts and proportions of all the required nutrients.

Routine Use. The term "routine use" means the scheduled regular or periodic administration of management practices or application of ingredients such as feed supplements, parasiticides, or medications to livestock rations or production practices.

Roughage. The term "roughage" means any coarse, rough food for livestock, such as hay, silage, fodder, browse, or pasture.

Species. The term "species" means a group of livestock with common attributes and designated by a common name; subset of genus.

Subtherapeutic. The term "subtherapeutic" means low-level administration of medications, such as antibiotics, to the rations of animals to prevent the development of disease in those animals, even when symptoms of such conditions may not be evident.

Systemic. The term "systemic" means absorbed and distributed throughout the body with the potential for affecting multiple bodily systems.

Topical. The term "topical" means superficial or external.

Toxic. The term "toxic" means any natural or synthetic substance to which livestock are exposed that may be harmful or poisonous. "Toxic" effects are largely determined by dosage (amount of exposure) and individual sensitivity.



PART II ORGANIC LIVESTOCK PRODUCTION STANDARDS

**NATIONAL ORGANIC STANDARDS BOARD**  
**FINAL RECOMMENDATION**

Adopted on June 2, 1994 in Santa Fe, New Mexico.

**LIVESTOCK SOURCES**

GENERAL

(1) Livestock which do not meet the standards for organic livestock shall not contaminate organic livestock remaining in the farming operation with substances prohibited by the National List.

(2) Livestock and/or the products of livestock which do not meet the standards for organic livestock shall be diverted to the conventional market when sold.

(3) The USDA accredited certifying agents shall include a section in the Organic Farm Plan which requests that producers describe their current efforts and existing obstacles toward conversion.

(4) Breeder stock, day-old poultry stock, and replacement dairy stock shall be obtained from organic sources, with the following exception:

Non-organic stock shall be permitted to be purchased if the producer can document to the satisfaction of a USDA accredited certifying agent that organically raised stock of acceptable quality and genetic potential is not commercially available.

BREEDER STOCK

(1) Only slaughter stock that are progeny of female breeder stock under organic production methods from the last third of gestation or longer shall be considered organic.

(2) Purchased breeder stock shall be under organic production methods from such time such stock is brought onto a certified organic farm. If such breeder stock is eventually sold for slaughter, it will not be considered organic unless it meets the requirements for slaughter stock.\*\*

\*\* Organic breeder stock may receive an application of synthetic

antibiotic in the event of a healthcare emergency. In such instance, the progeny may be sold or labeled as organically produced provided that the application to the breeder stock does not occur in the last third of gestation or while nursing the progeny, and the application is prescribed by a licensed veterinarian. The organic breeder stock, having received an application of synthetic antibiotics, is not disqualified from having its future progeny sold or labeled as organic.

(3) Breeder stock born on the organic farm shall be under organic production methods from birth.

(4) Artificial insemination is allowed.

#### SLAUGHTER STOCK

Slaughter stock shall be born to organic breeder stock and be raised under organic production methods.

#### POULTRY STOCK

All poultry from which meat or eggs will be sold as organically produced shall be raised under organic production methods from one day old.

#### DAIRY STOCK

Replacement dairy stock must be fed certified organic feeds and raised under organic management practices from the time such stock is brought onto a certified organic farm and for not less than the 12 month period immediately prior to the sale of milk and milk products from such stock.

**NATIONAL ORGANIC STANDARDS BOARD**  
**FINAL BOARD RECOMMENDATION**

Adopted on June 2, 1994 in Santa Fe, New Mexico

**LIVESTOCK FEED STANDARD**

- A. All certified organically produced livestock shall be fed certified organically produced feeds and feed supplements.
1. Feed supplements fed to livestock directly or as a supplement to feed rations shall be certified organically produced.
2. Pasture land upon which livestock are grazed or pastured shall be certified, and the Organic Livestock Plan shall contain management measures designed to maximize soil fertility and rangeland health as determined by the certifying agent.
- B. Feed additives fed to livestock shall meet the following requirements:
1. Natural feed additives shall be from any source, provided the additive is not classified as a Prohibited Natural on the National List;
2. Synthetic feed additives shall be materials which are classified as Allowed Synthetics on the National List.
- C. The Organic Livestock Plan shall include a contingency plan for obtaining certified organic feed from a secondary source.
- D. In the event of a feed availability emergency, non-organic feed may be fed to certified organically produced livestock on an extremely limited basis, provided that the certifying agent is immediately notified of the emergency and establishes a maximum time period during which the non-organic feed may be used. Efforts to locate feed which has been produced without use of prohibited substances shall be documented.
1. Feed availability emergency is a temporary and unforeseeable shortage of certified organic livestock feed due to emergency conditions beyond the producer's control. This emergency must be verified by the certification agent using consistent criteria to ensure uniform exceptions.

218 2. In the case of such emergency, the producer shall make  
219 every reasonable effort and maintain a record of every such  
220 effort to locate organically grown feed, using the following  
221 prioritization:

- 222 a. Certified Organic Feed
- 223 b. Non-certified Organic Feed
- 224 c. Feed from farms under organic management for 2  
225 years
- 226 d. Feed from farms under organic management for 1  
227 year
- 228 e. Conventional Feed.

**NATIONAL ORGANIC STANDARDS BOARD**  
**FINAL BOARD RECOMMENDATION**

Adopted on June 2, 1994 in Santa Fe, New Mexico

**ORGANIC LIVESTOCK HEALTHCARE, RECORD-KEEPING,  
& TRANSPORTATION PRACTICES**

Statutory Requirements

The following practices are prohibited under Section 2110(d)(1) of the OFPA:

- (1) Use of "subtherapeutic doses of antibiotics";
- (2) Use of "synthetic internal parasiticides on a routine basis";
- (3) Administration of "medication, other than vaccinations, in the absence of illness"

Section 2110(d)(2) sets forth the responsibility of the Board to "recommend to the Secretary standards in addition to those in [Section 2110(D)(1)] for the care of livestock to ensure that such livestock is organically produced."

Given the authority set forth under Section 2110(d)(2), the NOSB proposes that the following standards be established:

(1) Livestock which are treated with or fed prohibited materials for healthcare purposes shall not contaminate organic livestock remaining in the farming operation. Use of prohibited materials on individual livestock shall not result in a change of status for the remaining organic livestock.

(2) The action of a producer to withhold treatment to maintain the organic status of an individual livestock animal which results in the otherwise avoidable suffering or death of the animal shall be grounds for decertification.

(3) A production environment which limits livestock stress and promotes livestock health shall be provided; it must include the following factors:

- (a) access to shade, shelter, fresh air, and daylight suitable to the species, the stage of production, the climate, and the environment;
- (b) appropriate clean and dry bedding, appropriate to the husbandry system, provided that if the bedding is typically consumed by the animal species, the certifying agency shall make an express determination that the feed standard set forth in these regulations is not violated.
- (c) a housing design which provides for:

- 269 (i) natural maintenance, comfort behaviors,  
270 and the opportunity to exercise;  
271 (ii) temperature level, ventilation, and air  
272 circulation suitable to the species; and  
273 (iii) the reduction of potential for livestock injury.  
274 (d) a proper manure management system to reduce disease and  
275 parasite recycling and which also optimizes nutrient  
276 recycling and minimizes soil and water degradation.  
277  
278 (4) Livestock confinement standards to be developed later.

## 279 RECORDKEEPING FOR ORGANIC LIVESTOCK PRODUCERS

### 280 1. ANIMAL SOURCE AND LIFE CYCLE RECORDS

#### 281 Statutory Requirements

282 Section 2110(f)(1) sets forth the requirement that producers must  
283 "maintain a detailed, verifiable audit trail so that each animal  
284 (or in the case of poultry, each flock) can be traced back to  
285 [the] farm."

286 In addition to statutory requirements, the NOSB proposes that the  
287 following standards be established:

- 288 (1) An identification system must ensure the identity of organic  
289 livestock.  
290 (2) Each slaughter animal/poultry flock/fish lot must be  
291 traceable through the life-cycle.  
292 (3) A producer shall document all livestock sales and purchases.

### 293 2. HEALTHCARE RECORDS

#### 294 Statutory Requirements

295 Section 2110(f)(2)(A) sets forth the requirement that producers  
296 must "keep accurate records" pertaining to "amounts and sources  
297 of all medications administered" to "each animal (or in the case  
298 of poultry, each flock."

299 In addition to statutory requirements, the NOSB proposes that the  
300 following standards be established:

- 301 (1) Producers must document the rationale for use of all  
302 synthetic health care inputs appearing on the National List.

### 303 3. FEED, FEED SUPPLEMENT, AND FEED ADDITIVE RECORDS

#### 304 Statutory Requirements

305 Section 2110(f)(2)(B) sets forth the requirement that producers  
306 must "keep accurate records" pertaining to all feeds and feed  
307 supplements bought and fed" for and to "each animal" (or in the  
308 case of poultry, each flock).

309 The NOSB proposes no standards in addition to the above statutory  
310 requirements.

311 TRANSPORTATION

312 In addition to statutory requirements, the NOSB Livestock  
313 Committee proposes that the following standards be established:

- 314 (1) Audit trail must remain verifiable throughout  
315 transportation.  
316 (2) Contamination by prohibited materials shall not occur during  
317 transport.

**NATIONAL ORGANIC STANDARDS BOARD**  
**FINAL RECOMMENDATION**

Adopted on June 4, 1994 in Santa Fe, New Mexico.

**THE USE OF ANTIBIOTICS IN ORGANIC LIVESTOCK PRODUCTION**

Antibiotic Use in Organic Slaughter Stock

The use or application of antibiotics as medication or growth promoters in organically produced slaughter livestock that is labeled or sold as organically produced, is prohibited.

Should an antibiotic be administered for whatever reason, to otherwise organically produced livestock, that livestock and any products derived therefrom shall not be labeled or sold as organically produced.

Antibiotic Use in Organic Breeder Stock

The use or application of antibiotics as medication or growth promoters in animals labeled or sold as organic breeder stock, the progeny of which is intended to be labeled or sold as organically produced, is restricted.

Organic breeder stock may receive application of antibiotic in the event of a healthcare emergency. In such instance, the progeny may be sold or labeled as organically produced provided that the application to the breeder stock does not occur in the last third of gestation or while nursing the progeny, and the application is prescribed by a licensed veterinarian. The organic breeder stock, having received an application of antibiotics, is not disqualified from having its future progeny sold or labeled as organic.

Antibiotic Use in Organic Dairy Stock

The use or application of antibiotics as medication or growth promoters in dairy animals, whose milk or milk products are intended to be labeled or sold as organically produced, is restricted.

Should an antibiotic be administered for whatever reason to otherwise organically produced dairy stock, milk or milk products derived from that dairy stock may not be sold or labeled as organically produced for 90 days following the date of application or use and furthermore must satisfy all five



355 conditions listed in the addendum to the recommendation on the  
356 use of antibiotics in organic livestock production. This policy  
357 to be reevaluated in two years.

358 ADDENDUM TO THE RECOMMENDATION ON  
359 THE USE OF ANTIBIOTICS IN ORGANIC LIVESTOCK PRODUCTION

360 1. Organic farmers and ranchers shall practice preventative health  
361 maintenance through quarantine for incoming stock, sound nutrition,  
362 good breeding practices, proper sanitation and manure management,  
363 appropriate vaccination programs for the region, reduction of  
364 animal stress, well managed pastures and other sound health  
365 management practices.

366 2. Any use or application of antibiotics in organically produced  
367 livestock will be the last resort after all appropriate organic  
368 management practices have been utilized and documented in the Farm  
369 Plan. Antibiotics should only be used for medical emergencies  
370 requiring treatment and where effective alternative treatment are  
371 not yet available, in order to save an animal's life, to prevent  
372 unnecessary suffering, and to restore the animal to full health.

373 3. Any use or application of antibiotics in organically produced  
374 livestock is restricted to those substances which have been  
375 reviewed by the technical advisory panel according to the criteria  
376 and process required under the Act, placed on a National List by  
377 specific use, application and/or species, and approved by the  
378 Secretary of Agriculture. Any use or application of antibiotics  
379 in organically produced livestock shall occur within the context of  
380 a valid veterinarian client patient relationship as defined by the  
381 Food and Drug Administration Compliance Policy Guide #7125.06.

382 4. Any use or application of antibiotics in organically produced  
383 livestock will require a written justification for each use during  
384 the annual farm plan review and an evaluation of practices in place  
385 in order to eliminate the need for antibiotic use in the future.

386 5. If used, antibiotic treatments must be subject to record  
387 keeping and observation of strict withdrawal periods. Any treated  
388 animal must be individually identifiable during the drug withdrawal  
389 period. Subtherapeutic or routine use of any antibiotics and  
390 administration of any antibiotics in the absence of illness is  
391 prohibited.

**NATIONAL ORGANIC STANDARDS BOARD**  
**FINAL RECOMMENDATION**

Adopted on June 4, 1994 in Santa Fe, New Mexico

**THE USE OF SYNTHETIC PARASITICIDES IN ORGANIC LIVESTOCK  
PRODUCTION**

**SYNTHETIC PARASITICIDE USE IN ORGANIC SLAUGHTER STOCK**

The use or application of synthetic parasiticides in organically produced slaughter stock that is labeled or sold as organically produced is prohibited.

Should a synthetic parasiticide be administered for whatever reason to otherwise organically produced livestock, that livestock and any products derived therefrom shall not be labeled or sold as organically produced.

**SYNTHETIC PARASITICIDE USE IN ORGANIC BREEDER STOCK**

The use and application of synthetic parasiticides in livestock labeled or sold as organic breeder stock, the progeny of which is intended to be labeled or sold as organically produced, is restricted.

Organically produced breeder stock may receive application of synthetic parasiticides in the event of a healthcare emergency; such an exception for use of synthetic parasiticides shall not be construed as allowance for routine application. The progeny of the treated breeder stock may be sold or labeled as organically produced provided the application does not occur in the last third of gestation or during lactation, and provided the need for the application has been verified by a licensed veterinarian.

The treated organic breeder stock is not disqualified from the organic production program, and remains eligible for the production of future organic offspring.

**SYNTHETIC PARASITICIDE USE IN ORGANIC DAIRY STOCK (continued)**

Should a synthetic parasiticide be administered for whatever reason to otherwise organically produced dairy stock, milk or milk products derived from that dairy stock may not be sold or

427       labeled as organically produced for 90 days following the date of  
428       application or use.

429               Dairy stock may receive application of synthetic  
430       parasitocides only in the event of a healthcare emergency; such  
431       an exception for use of synthetic parasitocides shall not be  
432       construed as allowance for routine application. The need for  
433       such application to dairy stock must be verified by a licensed  
434       veterinarian.

435               Any deviations from the above standards shall be species  
436       specific and be set forth in a separate document. Such review  
437       shall include, but not be limited to, sheep, goats and swine.

438 ADDENDUM TO THE RECOMMENDATION ON  
439 THE USE OF SYNTHETIC PARASITICIDES IN ORGANIC LIVESTOCK  
440 PRODUCTION

441 1. The regular, planned or periodic use of parasiticides is  
442 considered to be a dependency on routine medication and is  
443 prohibited.

444 2. Any intentional use or application of synthetic parasiticides  
445 in organically produced livestock will be the last resort after  
446 all appropriate organic management practices have been utilized  
447 and documented in the Farm Plan. These would include but not be  
448 limited to:

- 449 a. Quarantine and fecal exams for all incoming stock.
- 450 b. Adequate pasture rotation and good pasture management.
- 451 c. Periodic fecal exam and culling seriously infested  
452 individuals.
- 453 d. Vector and intermediate host control.
- 454 e. Using biological control measures such as fly parasites.
- 455 f. Maintaining dusting wallows for poultry.

456 3. Any intentional use or application of synthetic parasiticides  
457 in organically produced livestock is restricted to those  
458 substances which have been reviewed by the technical advisory  
459 panel according to the criteria and process required under the  
460 Act, placed on a National List of permitted synthetics by  
461 specific use, application, and/or species and approved by the  
462 Secretary of Agriculture. The use or application of synthetic  
463 parasiticides in organically produced livestock shall occur  
464 within the content of a valid veterinarian client patient  
465 relationship as defined by the Food and Drug Administration  
466 Compliance Policy Guide #7125.06.

467 4. Any intentional use or application of synthetic parasiticides  
468 in organically produced livestock shall require a justification,  
469 for each use, during the annual farm plan review and an  
470 evaluation of practices in place to eliminate the need for  
471 parasiticides in the future. If used, synthetic parasiticide  
472 treatments must be subject to careful record keeping and  
473 observation of strict withdrawal periods. Any treated animal  
474 must be individually identifiable during the drug withdrawal  
475 period.

476 5. Any intentional use or application of synthetic parasiticides  
477 in organically produced livestock shall be administered in a  
478 manner as to most effectively treat parasite infestations in  
479 order to eliminate the need to treat in the future.

PART III ORGANIC FARM PLAN

STATUTORY REQUIREMENTS

"The term 'certified organic farm' means a farm or portion of a farm, or site where agricultural products or livestock are produced, that is certified by the certifying agent under this title as utilizing a system of organic farming as described by this title." (OFPA § 2114(a))

"The term 'organic plan' means a plan of management of an organic farming or handling operation that has been agreed to by the producer or handler and the certifying agent and includes written plans concerning all aspects of agricultural production or handling described in this title including crop rotation and other practices as required under this title." [Organic Foods Production Act of 1990 (OFPA) § 2103] "A producer or handler seeking certification under this title shall submit an organic plan to the certifying agent and the State organic certification program (if applicable), and such plan shall be reviewed by the certifying agent who shall determine if such plan meets the requirements of the programs." (OFPA § 2114)

RECOMMENDATION

The purpose of the Organic Farm Plan is twofold; to assist the producer and to assist the certifying agent. For the producer, the Organic Farm Plan provides a flexible, useful, and affordable tool for developing an ecologically sound resource management system on her/his farm. The process of developing the Organic Farm Plan allows the producer to plan and evaluate farm management practices and make tangible improvements in the farming operation. For the certifying agent, the Organic Farm Plan provides essential information for assessing the producer's compliance with the OFPA.

The Organic Farm Plan is a written document that describes how the organic farm is managed. It is written by the producer, agreed to by the certifying agent, and must be updated annually to reflect changes and improvements in farm management. The actual format may be incorporated into the documents which the certifying agent uses in their yearly application/renewal process or as a part of their annual farm inspection. The following components, presented below in questionnaire form, must be included if they are relevant to the operation.

The Organic Farm Plan must address the key elements of organic crop production: soil and crop management, resource management, crop protection, and maintaining organic integrity through growing, harvesting, and post-harvest operations. Where livestock are included in the overall operation of the Organic Farm for the purpose of marketing and labeling organic livestock and livestock

524 products, the Organic Farm Plan must address the key elements of  
525 organic livestock production: manure management; livestock health,  
526 care, and breeding practices; animal sources; feed sources; feed  
527 contingency plans for shortages and emergencies; maintenance of  
528 organic feed integrity from field to feeding; housing and living  
529 conditions; record keeping; handling practices; pasture and grazing  
530 land management; ecosystem oversight to reduce the environmental  
531 impact of animal production practices; and, if applicable,  
532 appropriate details for ensuring integrity of organic animals on a  
533 split operation.

534 Not all components of the Crops or Livestock questionnaires  
535 presented below will apply to all farms. Producers must decide  
536 which components are relevant to their operations and include them  
537 in their individual organic farm plans.

538 Organic farming is not merely a list of acceptable and  
539 prohibited materials. It is a management-intensive technology  
540 designed to achieve a balance in the agricultural and livestock  
541 system similar to that found in natural systems. Such a balance  
542 produces healthy soils and high quality crops and livestock. A  
543 commitment to long-term soil improvement or maintenance at a high  
544 fertility level should be reflected in the Organic Farm Plan. The  
545 emphasis should be on building up organic matter in the soil  
546 through green manuring and/or applications of composted materials  
547 with complementary application of rock minerals. While certain  
548 soluble soil fertilizing materials and foliar applications are not  
549 prohibited, they must be used as an adjunct to a long-term approach  
550 to soil fertility and/or for specific short-term needs.

551 The grower will provide adequate maps of all parcels farmed  
552 under his or her control, with 3-year histories of all parcels, as  
553 part of their certification application.

554 The inclusion of livestock in a total farm organic management  
555 system contributes significantly to closed nutrient recycling  
556 through the utilization of forages on fields with rotational  
557 seedings and through the production of nutrient-rich manure.

558 Persons raising livestock organically must be committed to  
559 providing positive health management practices and the utilization  
560 of organically produced feeds for nutrient and mineral needs in  
561 order to produce progressively stronger animals and eliminate a  
562 dependency on and use of veterinary medications. The animal's  
563 spatial environment must be managed so as to avoid population  
564 densities that may lead to stress and disease problems.

**ORGANIC LIVESTOCK FARM PLAN  
QUESTIONNAIRE**

[NOTE: It was the intention of the NOSB Livestock Committee in preparing this questionnaire to indicate as clearly as possible the areas to be addressed by organic livestock producers. Thus, this document in its present state may appear overly exhaustive. Furthermore, many areas of this questionnaire may not apply to all organic livestock producers.]

**I. GENERAL APPLICATION**

BUSINESS NAME \_\_\_\_\_  
BRAND NAME \_\_\_\_\_  
PRODUCER \_\_\_\_\_  
ADDRESS/LOCATION \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
COUNTY \_\_\_\_\_

Throughout the entire questionnaire, a "livestock unit" refers to the following specific classifications of livestock by species and maturity:

CATTLE	SHEEP
Calves	Lambs
Yearlings	Yearlings
Heifers (open or bred)	Mature Ewes
Cows	Slaughter Stock
Slaughter Stock	Other
Other	

	GOATS
POULTRY	Kids
Broilers	Yearlings
Layers	Mature Does
Turkeys	Slaughter Stock
Other	Other

SWINE	FISH
Weanling/Feeder Pigs	Fingerlings
Growing/Finishing Hogs	Mature Stock
Gilts (open or bred)	

Sows	WILD/DOMESTICATED GAME
Slaughter Stock	
Other	EQUINE ANIMALS

**BEES**

A. From the categories described above, please describe the type(s) of livestock produced organically on your farm and for which you are requesting certification.



608 B. Please describe the type(s) of livestock product(s) marketed  
609 bearing your farm's registered brand name by checking the  
610 applicable boxes below.

	<u>Brand Name</u>	<u>Other Label</u>
611		
612	Dairy Products	
613	Eggs	
614	Beef	
615	Veal	
616	Pork	
617	Poultry Meat	
618	Lamb/Mutton	
619	Wool	
620	Fish	
621	Goat Meat	
622	Honey	
623	Other	

624 C. If your farming operation was certified previously, identify  
625 the certification agency(s) and the date(s). Is documentation  
626 available for verification?

627 D. How many years has part or all of your farming operation been  
628 under organic production methods? Please elaborate.

629 E. Are there livestock produced under conventional production  
630 methods in your farming operation? \_\_\_\_\_ If so, please be sure  
631 to complete Section J of this questionnaire.

632 F. Utilizing the livestock categories provided in Section I,  
633 please complete the following chart for the past certification  
634 year:

	<u>Current Livestock</u>		
	Number	Number	Number
	Produced	Produced	Sold as
<u>Livestock Type</u>	<u>Organically</u>	<u>Conventionally</u>	<u>Organic</u>
635			
636			
637			
638			

639 G. Utilizing the livestock product categories provided in Section  
640 IB, please complete the following chart for the past certification  
641 year:

	<u>Percentage</u>		
	Product	Product	Percentage
	Produced	Produced	Sold as
<u>Livestock</u>	<u>Organically</u>	<u>Conventionally</u>	<u>Organic</u>
642			
643			
644			
645			

646 H. Utilizing the livestock categories provided in Section I,  
647 please complete the following chart to indicate your plans for sale

648 of livestock produced organically this certification year:

649		<u>Current Livestock</u>		
650	_____	Number	Number	Number
651		Produced	Produced	Sold as
652	<u>Livestock Type</u>	<u>Organically</u>	<u>Conventionally</u>	<u>Organic</u>

653 I. Utilizing the livestock product categories provided in Section  
654 IB, please complete the following chart to indicate your plans for  
655 sale of livestock products produced organically this certification  
656 year:

657		<u>Percentage</u>		
658		Product	Product	Percentage
659	Livestock	Produced	Produced	Sold as
660	<u>Product Type</u>	<u>Organically</u>	<u>Conventionally</u>	<u>Organic</u>

661 **II. ORGANIC LIVESTOCK PRODUCTION PRACTICES**

662 An "Organic Livestock Production Practices" questionnaire form must  
663 be completed for each organic livestock type intended for inclusion  
664 in the overall certification decision.

665 A. **Livestock Sources**

666 1. Describe your method for identifying your organically-produced  
667 livestock (i.e. ear-tagging, branding) and how this method ensures  
668 that each livestock animal can be traced back to its origin.

669 2. Describe your method for identifying organically-produced  
670 livestock products and how this method ensures that each livestock  
671 animal can be traced back to its origin.

672 3. Please indicate the sources of your current livestock inventory  
673 within the chart format provided below.

674 a. For livestock raised organically from birth in the farming  
675 operation, describe livestock unit:

676	Description of Unit	Age	Number
677	(i.e. lot#,	of	in
678	<u>identification #)</u>	<u>Unit</u>	<u>Unit</u>

679 b. For livestock raised organically from birth but purchased  
680 outside your farming operation, describe each livestock  
681 unit:

682	Description of Unit	Age	Number		Source
683	(i.e. lot#,	of	in	Date	of
684	<u>identification #)</u>	<u>Unit</u>	<u>Unit</u>	<u>Purchased</u>	<u>Purchase</u>

685 c. For livestock raised organically from some time after birth  
 686 and raised within your farming operation, describe each  
 687 livestock unit:

688	Description of Unit	Age	Number	Date from
689	(i.e. lot#,	of	in	which organically
690	<u>identification #)</u>	<u>Unit</u>	<u>Unit</u>	<u>produced</u>

691 d. For livestock raised organically from some time after birth  
 692 and purchased off-farm, describe livestock unit:

693	Description of Unit	Age	Number		Source
694	(i.e. lot#,	of	in	Date	of
695	<u>identification #)</u>	<u>Unit</u>	<u>Unit</u>	<u>Purchased</u>	<u>Purchase</u>

696 **B. Feed Sources**

697 1. What percentage of total feed fed to livestock this past  
 698 certification year was produced on-farm? If feed was purchased  
 699 off-farm, please answer questions 2 and 3. Taking the capacity of  
 700 your farm into account, what would you consider the optimum level  
 701 of on-farm feed production?"

702 2. For each feed purchase made within the past certification  
 703 year, complete the chart below. You have the option to attach a  
 704 copy of your feed records in place of this chart.

705	Feed	Quantity	Date of	Source of	Lot	Certified
706	<u>Type</u>	<u>Purchased</u>	<u>Purchase</u>	<u>Purchase</u>	<u>No.</u>	<u>By (Agent)</u>

707 3. If you have plans to purchase feed from sources other than  
 708 those listed in the chart above this certification year, please  
 709 identify your new sources and cite the certification status of  
 710 each.

711 4. Describe your audit trail for feed purchased off-farm. See  
 712 Glossary for definition of Audit Trail.

713 5. What back-up sources of feed exist in case of a short supply in  
 714 your current on-farm or purchased feed sources?

715 6. Please list the components, with percentages, of the basic feed  
 716 ration fed to your livestock, describing variations in it according  
 717 to seasons or other reasons. For example:  
 718 Wheat(30%)/Oats(20%)/Alfalfa Hay(50%) -- Summer (June-Sept.)

719 Do not include feed additives.

720 C. **Feed Additives**

721 See Definitions for description of Feed Additive.

722 1. Please complete the chart below for each feed additive to the  
723 basic feed ration fed to livestock last certification year. Please  
724 attach labels for premixes or other additives.

725	Type of		Method	Average	Purpose
726	Feed	Brand	of	Quantity Fed	of Feed
727	<u>Additive</u>	<u>Name</u>	<u>Feeding</u>	<u>Per Feeding</u>	<u>Additive</u>

728 2. Which feed additives, if any, do you plan to discontinue use of  
729 in this certification year? Are there any feed additives that you  
730 plan to add to the diets of your livestock this certification year?

731 3. Are you aware of nutritional deficiencies specific to your  
732 region which are of specific concern to you as an organic livestock  
733 producer?

734 D. **Drinking Water**

735 1. Describe the primary source of drinking water for your  
736 livestock and list other sources.

737 2. For those drinking water sources which you control (i.e. wells  
738 or ponds on your property), are nitrate or other contaminant tests  
739 regularly conducted? If so, please describe frequency and findings  
740 and attach a copy of each test result.

741 3. Are you aware of contaminants in the local water table which  
742 are specific to your region? Please cite and indicate whether or  
743 not tests for these contaminants are regularly conducted and by  
744 whom. If you have results of such tests on file, please attach a  
745 copy(s).

746     **E.     Livestock Production Environment**

747     1.     Describe, in general terms, the environment in which your  
748     livestock are produced.   For example, dairy cattle -- stanchion  
749     barn.

750     2.     For livestock which graze on pastureland, describe the length  
751     of time each plot of pastureland is grazed before rotation, and  
752     what length of time each year the livestock are not grazing on  
753     pastureland.

754     3.     Describe how your system for managing land grazed by livestock  
755     is sustainable.   For example, describe your management of over-  
756     grazing, waste run-off, erosion, and stocking rates.

757     4.     For those livestock confined to a drylot at certain times of  
758     the year, describe the length of each confinement period and the  
759     conditions of the drylot during that period.   Be sure to indicate  
760     the type of shelter and space allotment given to livestock during  
761     this period.

762     5.     For those livestock confined within a building during certain  
763     times of the year, describe the length of each confinement period  
764     and the practices which ensure organic integrity in confinement,  
765     i.e. ventilation, temperature, space allotment.

766     6.     Briefly explain how your livestock production system  
767     incorporates the husbandry standards outlined in the OFPA.

768     7.     Are any changes planned for this certification year which  
769     would improve the production environment of your livestock, i.e.  
770     improvements in housing, etc.?

771     **F.     Manure Management**

772     1.     Describe your system for handling, storage, and utilization of  
773     manure.   If applicable, describe your system for composting manure  
774     on-farm for use on crops.

775     2.     What measures are taken in your farming operation to avoid  
776     environmental degradation?   For example, describe how the water  
777     table is protected from nutrient leaching and/or manure runoff.

778     3.     What changes, if any, in your manure management system are  
779     planned for this certification year?

780     **G.     Breeding Practices**

781     1.     How are your livestock serviced -   by artificial insemination,  
782     natural breeding, or both?

783 2. Describe your breeding program. What traits do you select for  
784 which enhance livestock health?

785 **H. Health Practices**

786 1. Describe the type of health records kept for your organic  
787 livestock. For example, individual dairy cow health cards, log  
788 book, computer spreadsheet.

789 2. How does your livestock record-keeping and identification  
790 system ensure that livestock that are treated with prohibited  
791 materials are not sold as organic? How does your system also  
792 ensure that all material inputs are recorded and restrictions  
793 complied with?

794 3. Describe your livestock health plan, citing commonly used  
795 material inputs. Be sure to describe preventative measures taken  
796 for disease and parasite control.

797 4. For each livestock unit (L. Unit), complete the chart below for  
798 each specific livestock disease outbreak(s), parasite outbreak(s),  
799 and/or injury(s) during the past certification year, citing the  
800 practices/material inputs used to ensure the organic integrity of  
801 the animal(s) afflicted:

802		% of Total Thera-	Material Input(s)		Preventative
803	Health	L. Unit	peutic	<u>Utilized</u>	Practice for
804	<u>Ailment</u>	<u>Afflicted</u>	<u>Practice</u>	<u>Type</u> <u>How Often</u>	<u>% Not Afflicted</u>

805 5. Complete the chart below for each livestock animal or  
806 livestock unit withdrawn from organic production because of  
807 treatment with a prohibited material input:

808	Livestock		Material Input(s)	
809	Afflicted	Health	<u>Utilized</u>	
810	(Identify)	Ailment	<u>Type</u>	<u>How Often</u>

811 6. What, if any, new organic practices will you try this  
812 certification year to enhance livestock health and to avoid the  
813 need for prohibited materials?

814 7. Please explain how barnyard flies and other insect pests  
815 (excluding parasites) are controlled in your farming operation,  
816 citing both preventative practices and material inputs utilized.

817 8. If applicable, describe the material input utilized to  
818 disinfect your livestock facility(s), and how often it is applied.  
819 Please also describe how the livestock were removed and protected  
820 from exposure to the disinfectant.

821 **I. On-Farm Handling of Livestock Product**

822 1. For each of the products derived from your livestock, describe  
 823 the relevant Federal and/or State grading status. For example,  
 824 U.S. Grade A milk.

825 2. In the chart below, describe each of the sanitizers, soaps and  
 826 cleansers utilized in the process of handling your livestock  
 827 product(s).

828 National List	Prohibited	Purpose of	Procedure to
829 Material Input	Material Input	Material	Prevent
830 <u>(Name)</u>	<u>(Name)</u>	<u>Input Use</u>	<u>Contamination</u>

831 **J. Mixed Organic/Conventional Production**

832 Please complete this section if livestock are produced under both  
 833 organic and conventional methods within your farming operation.

834 1. Please complete the chart below for each livestock unit in  
 835 transition to organic in your farming operation:

836	Type of	Age of	Number in	Description of Unit
837 <u>Livestock</u>	<u>Unit</u>	<u>Unit</u>	<u>Unit</u>	(Identification #(s), <u>Lot Numbers</u> )

839 2. Please describe how you ensure that organically-produced  
 840 livestock products are not contaminated by material inputs or  
 841 practices utilized under conventional production.

842 3. Please describe how you prevent a co-mingling of  
 843 conventionally and organically produced feed in your farming  
 844 operation.

4. If, within your farming operation, you produce the same  
 species of livestock under conventional methods that you produce  
 under organic methods, please describe your current efforts and  
 existing obstacles toward conversion.

**NATIONAL ORGANIC STANDARDS BOARD**  
**FINAL RECOMMENDATION**

Adopted on June 5, 1994 in Santa Fe, New Mexico

**GENERAL ORGANIC FOOD LABELING STANDARDS**

[NOTE: All foods must conform to federal food labeling regulations. For foods regulated by the Food and Drug Administration, see Code of Federal Regulations, Title 21; for foods regulated by the Food Safety and Inspection Service, United States Department of Agriculture, see Code of Federal Regulations, Title 9.]

**1. CALCULATION OF THE TOTAL PERCENTAGE OF ORGANICALLY PRODUCED INGREDIENTS**

A. This section applies to any food that purports to be organic or to contain organically produced food ingredients (i.e., the product label or labeling bears the term "organic" or makes any direct or indirect representation that the food is organic or contains organically produced ingredients).

B. The total percentage of organically produced ingredients in the food shall be calculated from the actual amounts of the listed ingredients:

1. By weight or optionally by fluid volume if all the ingredients of the food are liquid;

2. By excluding the ingredients air, water and salt (sodium chloride) from the calculation; and

3. On the basis of single-strength concentration for food concentrates reconstituted with water, if the food is identified as being from concentrate on the principal display panel or in the product identity statement.

C. The total percentage of organically produced ingredients in a food shall be declared by the words "Contains \_\_\_\_\_percent (or %) organic ingredients" or "\_\_\_\_\_percent (or %) organic ingredients" or a similar phrase, with the blank filled in with the percentage expressed as a whole number not greater than the actual total percentage of organically produced ingredients in the food.

D. The total percentage of organic ingredients in a food purporting to be organic or to contain organically produced ingredients shall be considered mandatory labeling information.



35           E. The total percentage of organic ingredients in a food  
36 purporting to be organic or to contain organically produced  
37 ingredients shall be calculated by the handler and verified by a  
38 certifying agency accredited by the Secretary through documentary  
39 submissions and spot checks. Each handler shall be subject to  
40 not less than one spot check for each year of certification.

41 2. FOODS THAT ARE "ORGANIC FOODS" (I.E., THE COMMON OR USUAL  
42 NAME OF THE FOOD IS "ORGANIC \*\*\*\*.")  
43

44 A. Composition and processing requirements:

45 The requirements for Section A are not accepted as of  
46 this time as a Board Final Recommendation.

47 B. Labeling

48 1. Requirements:

- 49 a. Declare the total percentage of organic  
50 ingredients on the information panel above  
51 the ingredient listing;
- 52 b. Identify each organic ingredient in the  
53 ingredient declaration with the words  
54 "organic" or "organically grown;"
- 55 c. Identify the Certifying Agent (provide the  
56 name and address) who certified the Handler,  
57 immediately adjacent to the information  
58 identifying the manufacturer or distributor  
59 of the food as currently required by food  
60 regulations.

61 2. Prohibitions:

- 62 a. Must not declare the percentage of organic  
63 ingredients on the principal display panel  
64 unless:
- 65 (i) the ingredient listing is on the  
66 principal display panel; or
- 67 (ii) the food is composed wholly of organic  
68 agricultural products, salt and water and the  
69 percentage of organic ingredients is  
70 100%.
- 71 b. Must not use any percentage modifying the  
72 organic nature of food or an ingredient on  
73 the principal display panel unless the food  
74 is composed wholly of organic agricultural  
75 products, salt and water and the percentage  
76 of organic ingredients is 100%.
- 77 c. Must not use the term "organic when

78                                   available."

79                   3.   Optional label statements (not an all inclusive

80                   list):

81                   a.   A USDA organic emblem (shield), to be created

82                   by USDA;

83                   b.   The seal, emblem or logo of the Certifying

84                   Agent

85       **3.    FOODS THAT ARE LABELED "MADE WITH ORGANIC INGREDIENT(S)".**

86           A.    Composition and processing requirements:

87                The requirements for Section A are not accepted as of  
88                this time as a Board Final Recommendation.

89           B.    Labeling

90                1.   Requirements:

91                   a.   Declare the percentage of organic ingredients  
92                        on the information panel above the ingredient  
93                        listing;

94                   b.   Identify each organic ingredient in the  
95                        ingredient declaration with the words  
96                        "organic" or "organically grown;"

97                   c.   Identify the Certifying Agent (provide the  
98                        name and address) who certified the Handler,  
99                        immediately adjacent to the information  
100                      identifying the manufacturer or distributor  
101                      of the food as currently required by food  
102                      regulations.

103              2.   Prohibitions:

104                  a.   Must not declare the percentage of organic  
105                        ingredients on the principal display panel,  
106                        other than above the ingredient listing;

107                  b.   Must not use any percentage modifying the  
108                        organic nature of food or an ingredient on  
109                        the principal display panel;

110                  c.   Must not use the term "organic when  
111                        available."

112                  d.   Must not use a USDA organic emblem (shield).

113                  e.   Must not use the seal, emblem or logo of the  
114                        Certifying Agent

115              3.   Optional label statements (not an all inclusive  
116                    list):

117                  a.   On the Principal Display Panel, the term

118 "organic" may be used only to identify  
119 clearly and unambiguously the organically  
120 produced ingredients and must not list both  
121 organic and non-organic ingredients in  
122 conjunction with the word organic. The type  
123 size of the term "organic" cannot be larger  
124 than three-fourths the size of the name of  
125 the food.

126     **4.     FOODS THAT ARE LABELED WITH AN INGREDIENT DECLARATION AS**  
127     **CONTAINING ORGANIC INGREDIENT(S).**

128             A.     Composition and processing requirements:

129                     The requirements for Section A are not accepted as of  
130                     this time as a Board Final Recommendation.

131             B.     Labeling

132                     The requirements for Section B are not accepted as of  
133                     this time as a Board Final Recommendation.

134     **5.     INGREDIENT DECLARATIONS FOR FOODS PURPORTING TO CONTAIN**  
135     **ORGANICALLY PRODUCED INGREDIENTS.**

136             A.     Definitions.

137                     1.   Ingredient   For the purpose of labeling foods  
138     purporting to contain organically produced ingredients, an  
139     "ingredient" is defined as any substance used in the preparation  
140     of the food product that is still present in the final product as  
141     consumed, even if in modified form.

142                     2.   Processing Aid   For the purpose of labeling foods  
143     purporting to contain organically produced ingredients, a  
144     "processing aid" means a substance that is added to food during  
145     the processing of such food but is removed from the food before  
146     it is packaged in its finished form, that meets the definition of  
147     21 CFR101.100(a)(3)(ii)(a).

**NATIONAL ORGANIC STANDARDS BOARD**  
**FINAL RECOMMENDATION**

Adopted on June 4, 1994 in Santa Fe, New Mexico

**ORGANIC HANDLING PLAN**

COMMENTARY

1 An Organic Handling Plan must be created by all organic handlers  
2 certified under the National Organic Program as required by the  
3 Organic Foods Production Act of 1990 (OFPA). "The term 'organic  
4 plan' means a plan of management of an organic farming or  
5 handling operation that has been agreed to by the producer or  
6 handler and the certifying agent and that includes written plans  
7 concerning all aspects of agricultural production or handling  
8 described in this title including crop rotation and other  
9 practices as required under this title." (OFPA Section 2103) "A  
10 producer or handler seeking certification under this title shall  
11 submit an organic plan to the certifying agent and the state  
12 organic certification program (if applicable), and such plan  
13 shall be reviewed by the certifying agent who shall determine if  
14 such a plan meets the requirements of the program." (OFPA Section  
15 2114(a)) "An organic handling plan shall contain provisions  
16 designed to ensure that agricultural products that are sold or  
17 labeled as organically produced are produced and handled in a  
18 manner that is consistent with the purposes of this title." (OFPA  
19 Section 2114(e))

20 The N.O.S.B. thinks that the Organic Handling Plan is a key  
21 element for implementing the required standards for organic  
22 handlers as well as other desirable handling practices. The OFPA  
23 requires provisions in the handling plan to ensure practices that  
24 are consistent with the Act (Section 2114 (e)). The Board has  
25 included such provisions in Section I of the Organic Handling  
26 Plan Proposed Regulations. The Board has also included  
27 "ecologically sound waste management" as a desirable practice for  
28 organic handlers and has included this in Section II of the  
29 Organic Handling Plan Proposed Regulations. Desirable practices  
30 in Section II must be completed as part of the Organic Handling  
31 Plan but certification is not affected by compliance with the  
32 practices listed in Section II.

33 The Board believes that the Organic Handling Plan must be both  
34 practical and useful and must be applicable to all types of  
35 organic handlers (distributors, processors, packers, shippers,  
36 receivers, retailers who process, etc.). The Board sees the  
37 purpose of the Organic Handling Plan as being twofold: to assist  
38 the handler and to assist the certifying agent. For the handler,  
39 the Organic Handling Plan should provide a flexible, useful, and

affordable tool for developing organic handling practices and an ecologically sound management system for the handling operation. The Organic Handling Plan should serve as a process for planning and evaluating management practices and for making tangible improvements to the handling operation. For the certifying agent, the Organic Handling Plan should provide essential information for assessing the handler's compliance with the OFPA.

As required by the OFPA, the Organic Handling Plan must be a written document that describes how the organic handling operation is managed. It must be written by the handler, agreed to by the certifying agent, and must be updated annually to reflect changes and improvements in handling operation management. The Committee thinks that the actual format of the Organic Handling Plan is best determined by the certifying agent.

In order to comply with the OFPA, the Organic Handling Plan must address all elements of organic handling including the handling that are applicable to a particular handling operation including the handling system description, procedures for assuring organic integrity, material inputs, the audit trail system, pest management, and waste management. The required components of the Organic Handling Plan are outlined in the "Proposed Regulations" that follow. In order to provide a practical example, the Board has also included a sample Organic Handling Plan in questionnaire format.

While the N.O.S.B. recognizes that the OFPA does not establish waste reduction requirements for organic handlers, the Committee has included a waste management section in the "Proposed Regulations." The Board thinks that organic handlers should establish waste reduction goals for their operations. By including a waste reduction section, the Organic Handling Plan can more thoroughly serve as a vehicle for the development of ecologically sound management practices for the handling operation.



ORGANIC HANDLING PLAN PROPOSED REGULATIONS

I. REQUIRED

The Organic Handling Plan (OHP) shall include the following components if they pertain to the specific handling operation or its agents, licensees, employees, contractors, and subcontractors who handle its organic products:

A. Organic Handling System Description

(1) A general description of the handling operation, handling and/or processing procedures, and organic food(s) handled.

(2) A schematic flow chart or written description showing the movement of organic food during handling and/or processing. All equipment, machinery, and storage areas used in handling and/or processing must be identified in the flow-chart.

B. Assurance of Organic Integrity

(1) A description of the Hazard Analysis Critical Control Point (HACCP)\* system or similar system for the handling operation which addresses the following areas of potential contamination (hazards) of the organic food:

- (a) Co-mingling certified organic food with non-organic food;
- (b) Containers and packaging;
- (c) Sanitizer, boiler chemicals, processing aids, and prohibited substances;
- (d) Transportation and storage;
- (e) Pest control substances;
- (f) Food spoilage microorganisms; and
- (g) Prohibited handling and processing procedures.

\* HACCP is a system by which food processors and importers can evaluate the kinds of hazards that could effect their products, institute controls necessary to keep these hazards from occurring, monitor the performance of these controls, and maintain records of this monitoring as a matter of routine practice.

(2) A list that identifies all known individuals or businesses that sell, transport, or store the products of the organic handling operation but do not hold legal title to such products.

(3) Documentation that all individuals and businesses that sell, transport, or store the products of the organic handling operation but do not hold legal title to such products have been informed in writing of the requirements of proper handling of

organic products and of the possible exposure to federal civil penalties for violation thereof and that all such individuals and businesses affirm by signature on a bill of lading or other appropriate affidavit that they do not open, mix, combine or otherwise transform the organic products and that the organic integrity of the products are not compromised while in their custody.

#### C. **Material Inputs**

(1) A list of all certified organic ingredients and non-organic ingredients used including those used for curing and smoking.

(2) For each food labeled as an organic food that contains one or more non-organic agricultural products as ingredients, a written description of:

(a) the good faith efforts made to locate or develop a source of the certified organic form of the ingredient and

(b) the progress made over the previous years to eliminate non-organic agricultural products as ingredients.

(3) For each non-organic agricultural product used as an ingredient, a description of the reasons why the certified organic form of the ingredient is not used.

(4) A list of all processing aids used.

(5) A description of how water is used in the handling operation including the quality of the water used.

#### D. **Audit Trail/Record Keeping System**

A description of the system of internal record keeping that documents the movement of each specific lot of organic food through each step of the handling operation.

#### E. **Pest Management**

(1) A description of the pest problems encountered in the handling operation and of the pest monitoring techniques used.

(2) A description of the non-chemical pest control methods used in the handling operation.

(3) A description of the use of chemicals for controlling pests in the handling operation.

147     **F.   Livestock Care**

148         (1)   A description of handling methods used to minimize  
149         livestock stress.

150         (2)   A description of arrangements made for feeding livestock  
151         that may be held at the packing plant for more than 24 hours.

152         (3)   A description of arrangements made for supplying livestock  
153         with fresh water while at the packing plant.

154     **II. DESIRABLE PRACTICES**

155     **Waste Management**

156         (1) A description of efforts to reduce solid waste, liquid  
157         waste, and airborne emissions produced by the handling operation.

158         (2) A description of recycling efforts, the use of recycled  
159         materials, and efforts to reduce     packaging in the handling  
160         operation.

161     **III. FORMAT**

162         The format of the OHP shall be determined by the certifying  
163         agent.

164 ORGANIC HANDLING PLAN QUESTIONNAIRE  
165 (YEAR) (CERTIFYING AGENT)

166 PRODUCER NAME: \_\_\_\_\_  
167 FARM NAME: \_\_\_\_\_  
168 ADDRESS: \_\_\_\_\_  
169 PHONE & FAX: \_\_\_\_\_

170 I. REQUIRED:

171 A. ORGANIC HANDLING SYSTEM DESCRIPTION

172 1. Describe your handling operation and your handling and/or  
173 processing procedures. Include a description of all equipment  
174 and machinery used.

175 \_\_\_\_\_  
176 \_\_\_\_\_  
177 \_\_\_\_\_  
178 \_\_\_\_\_

179 2. Attach a schematic flow chart showing the movement of  
180 certified organic food during handling and processing. Show all  
181 equipment, machinery, and storage areas used from the time the  
182 certified organic food is received until it is shipped.

183 B. ASSURANCE OF ORGANIC INTEGRITY

184 1. Describe your Hazard Analysis Critical Control Point (HACCP)  
185 system for assuring the integrity of the certified organic  
186 food(s) handled in your operation. Include procedures used to  
187 assure that:

188 (a) certified organic food is segregated from non-organic  
189 food;

190 (b) containers and packaging do not contaminate certified  
191 organic food;

192 (c) certified organic food does not come in contact with  
193 sanitizer, boiler chemicals, and prohibited substances;

194 (d) contamination of the certified organic food does not  
195 occur during transportation or storage;

196 (e) pest control substances do not come in contact with the  
197 certified organic food;

198 (f) food spoilage microorganisms do not contaminate the  
199 certified organic food; and

200 (g) prohibited handling and processing procedures are not  
201 used.

202 \* Submission of this information shall constitute compliance that  
203 a HACCP or similar system is identified.

204 \_\_\_\_\_  
205 \_\_\_\_\_  
206 \_\_\_\_\_  
207 \_\_\_\_\_  
208 \_\_\_\_\_

209 C. MATERIAL INPUTS

210 1. List all certified organic ingredients and all non-organic  
211 ingredients used in your handling operation.

212 \_\_\_\_\_  
213 \_\_\_\_\_  
214 \_\_\_\_\_  
215 \_\_\_\_\_  
216 \_\_\_\_\_

217 2. Describe your verification procedures for documenting that the  
218 non-organic agricultural products you use as ingredients are not  
219 commercially available in certified organic form.

220 \_\_\_\_\_  
221 \_\_\_\_\_  
222 \_\_\_\_\_  
223 \_\_\_\_\_  
224 \_\_\_\_\_

225 3. List all processing aids used in your handling operation.

226 \_\_\_\_\_  
227 \_\_\_\_\_  
228 \_\_\_\_\_  
229 \_\_\_\_\_

230 4. Describe how water is used in your handling operation.  
231 Describe your water source and your water quality including the  
232 frequency and method of testing water quality.

233 \_\_\_\_\_  
234 \_\_\_\_\_  
235 \_\_\_\_\_  
236 \_\_\_\_\_  
237 \_\_\_\_\_

238 D. AUDIT TRAIL/RECORD KEEPING SYSTEM

239 1. Describe your system of internal record keeping for  
240 documenting the movement of each specific lot of organic food  
241 through each step of your handling operation.

242 \_\_\_\_\_  
243 \_\_\_\_\_  
244 \_\_\_\_\_  
245 \_\_\_\_\_  
246 \_\_\_\_\_  
247 \_\_\_\_\_  
248 2. Describe your batch and/or lot numbering system and coding  
249 system.  
  
250 \_\_\_\_\_  
251 \_\_\_\_\_  
252 \_\_\_\_\_  
253 \_\_\_\_\_  
254 \_\_\_\_\_  
  
255 3. Attach a sample set of audit trail documents.  
  
  
  
256 E. PEST MANAGEMENT  
  
257 1. Describe the pest problems you encounter in your handling  
258 operation.  
  
259 \_\_\_\_\_  
260 \_\_\_\_\_  
261 \_\_\_\_\_  
262 \_\_\_\_\_  
  
263 2. Describe the pest monitoring techniques used and the non-  
264 chemical pest control methods you use.  
  
265 \_\_\_\_\_  
266 \_\_\_\_\_  
267 \_\_\_\_\_  
268 \_\_\_\_\_  
269 \_\_\_\_\_  
  
270 3. Describe the use of chemicals for pest control in your  
271 handling operation.  
  
272 \_\_\_\_\_  
273 \_\_\_\_\_  
274 \_\_\_\_\_  
275 \_\_\_\_\_

276 F. LIVESTOCK CARE

277 1. A description of handling methods used to minimize livestock  
278 stress.

279 \_\_\_\_\_  
280 \_\_\_\_\_  
281 \_\_\_\_\_  
282 \_\_\_\_\_  
283 \_\_\_\_\_  
284 \_\_\_\_\_

285 2. A description of arrangements made for feeding livestock that  
286 may be held at the packing plant for more than 24 hours.

287 \_\_\_\_\_  
288 \_\_\_\_\_  
289 \_\_\_\_\_  
290 \_\_\_\_\_

291 3. A description of arrangements made for supplying livestock  
292 with fresh water while at the packing plant.

293 \_\_\_\_\_  
294 \_\_\_\_\_  
295 \_\_\_\_\_  
296 \_\_\_\_\_

297 II. DESIRABLE:

298 A. WASTE MANAGEMENT

299 1. Briefly describe your efforts to reduce solid waste, liquid  
300 waste, and airborne emissions produced by your handling  
301 operation.

302 \_\_\_\_\_  
303 \_\_\_\_\_  
304 \_\_\_\_\_  
305 \_\_\_\_\_  
306 \_\_\_\_\_

307 2. Briefly describe your recycling efforts, your use of recycled  
308 materials, and your efforts to reduce packaging in your handling  
309 operation.

310 \_\_\_\_\_  
311 \_\_\_\_\_  
312 \_\_\_\_\_  
313 \_\_\_\_\_

**NATIONAL ORGANIC STANDARDS BOARD**  
**FINAL RECOMMENDATION**

Adopted on June 4, 1994 in Santa Fe, New Mexico

**REQUIREMENTS FOR HANDLER CERTIFICATION**

COMMENTARY

"The term 'handle' means to sell, process, or package agricultural products." (OFPA Section 2103(8)) "The term 'handler' means any person engaged in the business of handling agricultural products, except such term shall not include final retailers of agricultural products that do not process agricultural products." (OFPA Section 2103(9)) "The term 'handling operation' means any operation or portion of an operation (except final retailers of agricultural products that do not process agricultural products) that receives or otherwise acquires agricultural products and processes, packages, or stores such products" (OFPA Section 2103(10)). Thus, the definition of "handling operation" further defines "handle" and "handler" to limit the meaning of these terms to individuals and businesses that "receive or otherwise acquire agricultural products and processes, packages, or stores such products." For example, a broker falls under the definition of "handler" as someone who sells organic products. But, in the case of a broker who does not "receive or otherwise acquire" the organic products, the broker is not a "handling operation." Thus, such a broker does not need to be certified under the OFPA as an organic handling operation. The Board thinks that clarification of the types of handlers who must be certified under the OFPA as organic handling operations is necessary.

RECOMMENDATION

The N.O.S.B. recommends that, for the purposes of the OFPA, "receive or otherwise acquire" means to take legal title to the organic product. Handlers who hold legal title to organic products should and must be responsible for maintaining the organic integrity of the organic products they handle. Handlers who must be certified under the OFPA include distributors, food services, jobbers, packers, shippers, and processors who take legal title to organic products, including livestock feed, as well as retailers who process organic agricultural products. Some common definitions of food handlers are included in Attachment 1.



36 The activity of individuals or businesses who do not take legal  
37 title to organic products but act as agents, licensees,  
38 employees, contractors, or subcontractors and who process,  
39 package, or store organic agricultural products for a certified  
40 organic handling operation will be covered by the certification  
41 of that organic handling operation. Such activity must be  
42 described in the Organic Handling Plan and inspected and  
43 scrutinized with the same rigor and to the same standards as  
44 certified entities as part of the certification requirement of  
45 the certified organic handling operation for which they act as  
46 agent, licensee, employee, contractor, or subcontractor.  
47 Examples include co-packers and co-processors.

48 Individuals and businesses that do not need to be certified under  
49 the OFPA include brokers, commission merchants, truckers, and  
50 warehousers which do not take legal title to organic products.

51 A small farmer/handler/processor selling no more than \$5,000  
52 annually would be exempt from the above [OFPA Sec. 2106 (d)].

ATTACHMENT 1

Common Definitions of Food Handlers

1. Brokers

A broker acts as an agent for others in negotiating a sales contract. A selling broker generally represents the shipper, a buying broker acts as a purchasing agent for a distant buyer. A broker who does not take legal title to organic products does not need to be certified as an organic handler under the OFPA.

2. Commission Merchants

A commission merchant acts as an agent for the sale of merchandise on consignment. A commission merchant who does not take legal title to organic products does not need to be certified as an organic handler under the OFPA.

3. Distributors

A distributor purchases product under its own name, usually from shippers, processors, or other distributors, and generally sell outside their local area. Distributors may or may not take physical possession of the merchandise. A distributor must be certified as an organic handler under the OFPA.

4. Food Services

A food service company buys and receives produce and/or processed products for distribution to institutional accounts such as schools and restaurants. A food service company must be certified as an organic handler under the OFPA.

5. Jobbers

A jobber sells locally in small lots and purchases from receivers on the local market. A jobber must be certified as an organic handler under the OFPA.

6. Packers

A produce packing operation receives raw agricultural products and packs the products for shipping. A produce packer may also store products and apply postharvest materials. A meat packer converts live animals to carcass meats and possibly to primal cuts or boxed meat and other fresh meat forms. A packer that takes legal title to the organic product must be certified as an organic handler under the OFPA.

7. Receivers

A receiver purchases and takes physical possession of truck lots or car lots and resells them intact or in jobbing lots in the local area. Receivers are at destination points. A receiver that takes legal title to the organic product must be certified as an organic handler under the OFPA.

8. Repackers

A repacker receives products from growers or other sources, removes the products from the original container, may or may not sort the product, and repacks the product for resale either in the original container or in a different container. A repacker that takes legal title to the organic product must be certified as an organic handler under the OFPA.

9. Shippers

A shipper is located at growing or other shipping/intermediate points. A shipper sells products that is has grown and/or packed under its own name. A shipper may sell for the account of growers or other shippers. A shipper that takes legal title to the organic product must be certified as an organic handler under the OFPA.

10. Processors [refer to OFPA Sec. 2103 (17)]

A processor cooks, bakes, heats, dries, mixes, grinds, churns, separates, extracts, cuts, ferments, eviscerates, preserves, dehydrates, freezes, otherwise manufactures, packages, cans, jars, or otherwise encloses food in a container. A meat processor converts fresh meat items to comminuted and/or seasoned products such as sausages, corned beef and cured and/or smoked products. A processor must be certified as an organic handler under the OFPA.

11. Co-Processor

A processor who does not take legal title to the ingredients or the final product which is manufactured for another party. A co-processor does not need to be certified as an organic handler but its activities as agent, licensee, employee, contractor, or subcontractor for a certified organic handler must be covered under the certification of that handler.

12. Truckers

A trucker transports products between farms, processing plants, other handling operations, or other facilities. A trucker does not open product containers or mix, combine, or otherwise handle the product while it is in its custody. A trucker does not need to be certified as an organic handler under the OFPA.

13. Warehousers

A warehouse receives and stores products. A warehouse does not take legal title to the product. A warehouse does not open product containers or mix, combine, or otherwise handle the product while it is in its custody. A warehouse does not need to be certified as an organic handler under the OFPA.

**NATIONAL ORGANIC STANDARDS BOARD**  
**FINAL RECOMMENDATION**

Adopted on June 3, 1994 in Santa Fe, New Mexico

**PROPOSED RULE REGARDING**  
**IMPORTATION OF ORGANIC AGRICULTURAL PRODUCTS**

I. Authority: U.S. Organic Foods Production Act of 1990  
§2102 et seq. ; §2106(b)

II. Scope:

The recommendation set forth herein governs the importation of any foreign product, whether raw or processed, that is offered for entry to the United States as organically produced and/or handled. The rule also governs the export of foreign products brought into the United States pursuant to this rule. The definitions appearing herein are intended to apply to this regulation solely.

III. Definitions:

a. **"Certification Program"**, means a system for determining whether a product conforms with product standards applicable to that product; and

If a product so conforms, for attesting, by means of a document, mark, or other appropriate evidence of conformity, to that conformity.

b. **"Foreign Product"**, refers to any product that has a country of origin other than the United States or its possessions or territories.

c. **"Imported"** means a foreign product that has been released by the U.S. Customs Service for importation into the United States.

d. **"International Organic Standards Organization" (IOSO)**, means any organization,

1. The membership of which is open to representatives of all countries, whether public or private, including representatives of the United States and,

2. has been recognized by the Secretary for the oversight purposes set forth herein.

e. **"Standard"** means, any of the following:

1. The specification of the characteristics of a product, including, but not limited to, levels of quality, performance, safety, or dimensions.
2. Specifications relating to the terminology, symbols, testing and test methods, packaging, or marking or labeling requirements applicable to a product.
3. Administrative procedures related to the application of any specification referred to in paragraph (1) or (2) above.<sup>1</sup>

#### IV. Rules

##### **Importation**

A foreign product, whether raw or processed, that is imported into the United States as organically produced and/or organically handled, shall be imported pursuant to one of the following three methods:

- A. Foreign products may enter the United States if they bear the official shield, seal or mark of a certification program or certification agent provided that the certification program or agent is regulated by a foreign sovereign, an IOSO, or regional entity that is recognized by the Secretary as regulating the certification program or agent in a manner that ensures observance of standards that are at least equivalent to those set forth in the United States Organic Certification Program.
- B. Foreign products may enter the United States if they bear the official shield, seal or mark of an organic certification program or agent that has received accreditation as a certifying agent or, where applicable, approval as a State program by the Secretary, provided all additional requirements for United States accredited agents or, where applicable, approved State programs certifying in non-United States'

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<sup>1</sup>These definitions are slightly modified versions of the one appearing at 19 U.S.C.A. §2571. s

66 territory are met.

67 C. Foreign products may enter the United States if they  
68 bear the official shield, seal or mark of a  
69 certification program or agent, provided that the  
70 Secretary has determined that the certification program  
71 or agent ensures observance of standards that are at  
72 least equivalent to those set forth in the United States  
73 organic certification program.

74 V. Exportation of Imported Products

75 A. No foreign product imported under this regulation that  
76 is handled within the United States, may be exported  
77 from the United States for purpose of sale as  
78 organically produced and handled, unless it is handled  
79 by a certified handler having received certification  
80 from a certifying agent accredited by the Secretary or a  
81 State program approved by the Secretary. See  
82 §2106(a)(1).

83 VI. Maintaining Organic Integrity During Importation

84 Recommendations related to maintaining organic  
85 integrity during importation of organic products will  
86 be developed later.

**NATIONAL ORGANIC STANDARDS BOARD**  
**FINAL RECOMMENDATION**

Adopted on June 4, 1994 in Santa Fe, New Mexico  
**STANDARDS AND PROCEDURES GOVERNING THE ACCREDITATION  
OF ORGANIC CERTIFICATION ORGANIZATIONS**

**INTRODUCTION**

This document includes the NOSB Draft Recommendations in the following areas of accreditation of organic certification organizations:

I. The purposes of accreditation

II. Three basic criteria, and standards based on statutory requirements and purposes

A. Competence (Expertise)

B. Transparency (Record-keeping)

C. Independence (freedom from conflict of interest)

III. The three phases of the accreditation process, the procedures for each and possible outcomes

A. Application

B. Field Evaluation and Audit of Agency Records

C. Peer Review and Recommended Outcome

IV. Other procedures:

A. Determination of Indemnification process and costs

B. Administrative Appeals and Complaints Process

C. Costs of Accreditation

V. Appendices:

A. Glossary. [IN PROGRESS]

B. Application

1. Basic Information

2. Memorandum of Agreement

3. Questionnaire: Policies and Procedures

4. Required Documents

C. Report and Scoring forms [IN PROGRESS]

NOTE: Additional sections concerning:

1. Control of the use of the certifier's mark or symbol;

2. Control of the USDA shield by the certifying agency;

3. Cost of certification; and

4. Suspension or termination of accreditation

will be developed by the Accreditation Committee for subsequent inclusion into the Final Board Recommendations.

37 Part I. The purposes of Accreditation

38 The Organic Foods Production Act of 1990, or Title XXI,  
39 Organic Certification, was enacted by Congress as part of  
40 the 1990 Farm Bill (Food Agriculture, Conservation and Trade Act)  
41 The purposes of the OFPA are:

- 42 (1) To establish national standards governing the marketing  
43 of certain agricultural products as organically  
44 produced products  
45 (2) To assure consumers that organically produced products  
46 meet a consistent standard; and  
47 (3) To facilitate interstate commerce in fresh and  
48 processed food that is organically produced.

49 To achieve these goals, OFPA requires the USDA to establish  
50 a mandatory national organic certification program, and the  
51 accreditation process is a crucial component of this national  
52 program.

53 Accreditation has two basic purposes:

54 First, accreditation will assure the public that organic  
55 certification agents and organizations, both public and private,  
56 will carry out certification activities consistent with OFPA and  
57 the certification requirements of the national organic  
58 certification program. Section 6514 of the OFPA states:

59 "The Secretary [of Agriculture] shall establish and  
60 implement a program to accredit a governing state  
61 official, and any private person, that meets the  
62 requirements of this section as a certifying agent for  
63 the purpose of certifying a farm or handling operation  
64 as a certified organic farm or handling operation."

65 Second, the accreditation program provides a role for state  
66 government and the private sector in the national organic  
67 certification process. The accreditation process encourages the  
68 utilization of existing organic certification organizations as  
69 certifying agents and allows private certification organizations  
70 to coexist with state certification agents on a level playing  
71 field.

72 To understand how the accreditation program fits into the  
73 organic certification scheme, it is helpful to view the national  
74 organic certification program as a whole. The national organic  
75 certification program has four fundamental components:

76 1. USDA Administrative and Enforcement Authority.

77 The Secretary of Agriculture has ultimate authority  
78 and responsibility to administer and enforce the  
79 national organic certification program and OFPA



statutory requirements. The Secretary has delegated this authority to the Agricultural Marketing Service (AMS), which is a USDA agency. The Secretary is also authorized to delegate administrative and enforcement authority to states with a USDA-approved state organic certification program.

2. USDA-Approved State Programs. The Secretary of Agriculture is authorized to approve state organic certification programs that are consistent with the requirements of the national certification program. States with USDA-approved state certification programs may assume administrative responsibilities under the implementation of the national organic certification program within that state. OFPA allows states to include additional standards and/or requirements in the state organic certification program, if those standards and requirements have been approved by the USDA, are consistent with the purposes of OFPA, and do not have a discriminatory impact in the organic marketplace. Approved state organic certification programs are subject to the authority of the Secretary of Agriculture.

3. The USDA Accreditation Program. OFPA requires the Secretary of Agriculture (USDA) to implement the national organic certification program through accredited certifying agents. Accredited certifying agents will be responsible for determining whether organic producers and/or handlers are in compliance with OFPA standards and requirements. State officials and private organizations can apply to the USDA for accreditation as certifying agents. The USDA will administer the accreditation program and make all determinations regarding approval of accreditation applications and/or revocation of a certifying agent's accreditation status. State and private applicants for accreditation will be evaluated under the same basic accreditation criteria and procedures. Once accredited, state and private certifying agents will be functionally equivalent.

In addition, guidelines will be established for the accreditation of agencies conducting certification services in foreign countries. For a product bearing the seal of a U.S.-based certifying agency to be imported into the United States, the agency indicated shall meet the following requirements:

a. The agent shall be accredited to certify the production and handling of organic products within

127 the United States.  
128 b. The agent shall be able to demonstrate that  
129 oversight of the procedures utilized to certify  
130 the production and handling of the imported  
131 product has been provided by a USDA-recognized  
132 governmental or non-governmental authority.  
133 c. The agent shall be able to demonstrate that  
134 only those imports produced and/or handled in  
135 compliance with the U.S. Organic Food Production  
136 Act have been certified.  
137 d. The agent shall be able to demonstrate the  
138 application of U.S. OFPA inspection requirements  
139 to the certification of a farm or handling  
140 operation located within a foreign country.  
141 e. The agent shall be able to demonstrate adequate  
142 documentation of the organic integrity of the  
143 imported product from farm through U.S. Customs  
144 clearance.  
145 f. Copies of all records pertinent to the  
146 certification of each imported product shall be  
147 maintained at the U.S. agency office.

148 It is recognized that some private certifying agents  
149 have established programs to address specific  
150 philosophies and/or regional considerations, and may  
151 wish to include requirements for the awarding of the  
152 certifying agent's seal that are supplemental to the  
153 standards promulgated in the OFPA. Such requirements  
154 shall not be in conflict with the National Organic  
155 Standards. Supplemental requirements shall not  
156 preclude the certification to OFPA standards of  
157 producers and handlers who do not seek to utilize the  
158 private agent's seal.

159 4. The National Organic Standards Board (NOSB). The  
160 NOSB serves as an advisory board to the Secretary of  
161 Agriculture. The role of the NOSB is to recommend  
162 organic standards and provide public input to help the  
163 Secretary shape the policies and regulations that will  
164 govern the national organic certification program.  
165 -----

166 It is important to distinguish between the process of  
167 accreditation of certifying agents and the process of approval of  
168 State organic certification programs. The outcome of the  
169 accreditation process is authorization of a certifying agent, be  
170 it a state or a private person, to certify an organic farm or  
171 handling operation. The outcome of the approval process is  
172 authorization of a state to (1) administer the certification  
173 program in that state; and (2) enact additional standards.

"Approval" of a state organic certification program does not constitute "accreditation" of the state as a certifying agent. Consequently, a state with a USDA-approved state organic certification program must also independently apply to the USDA for accreditation in order to carry out certification activities.

OFPA authorizes the Secretary to appoint a Peer Review Panel to assist the Secretary in the accreditation process. The purpose of the Peer Review Panel is to represent and utilize the expertise existing in the organic community. The Peer Review Panel shall be comprised of individuals with experience in the production and handling of organic food and familiarity with organic certification methods and procedures.

The Peer Review Panel is a critical component of the Accreditation Program because it utilizes the expertise of the private sector and preserves a role for the private organic industry in the National Organic Certification Program. Sec. 6516 (a) of the OFPA states:

Peer Review

In determining whether to approve an application for Accreditation submitted under Section 6514 of this title, the Secretary shall consider a report concerning such applicant that shall be prepared by a peer review panel established under subsection (b) of this section.

The NOSB interprets this statutory provision, which requires the Secretary to consider a peer review panel report when determining whether to approve an application for Accreditation, to be a mandatory requirement. The NOSB recommends that the Peer Review Panel be incorporated into the USDA Accreditation Program as a mandatory requirement through the rule making process.

**Part II: Criteria for Accreditation**

The accreditation process is designed to reach judgments regarding a certifying agent's degree of compliance with three essential program attributes -- competence, transparency, and independence, each of which is grounded in OFPA statutory provisions. These attributes reflect key goals all certifying agents should strive toward; the degree to which certifying agent programs, policies, and activities are found to be consistent with these goals will be among the most heavily weighted factors taken into account by the Peer Review Panel in reaching accreditation status recommendations.

**A. Competence:** (Expertise)

**1. COMPETENCY OF THE CERTIFYING AGENT**

216 The Committee reviewed the steps in the certification process  
217 with respect to the content of each step in terms of the output  
218 of the Certifying Agent; the input received from applicant  
219 producers, handlers, inspectors and others, and the process  
220 involved; the competencies required to perform each step of the  
221 certification process; and indices of competence.

222 a. Steps in the Certification Process

223 The Committee identified seven (7) steps in the certification  
224 process. These are:

- 225 (1) Promulgation of the Application for Certification and  
226 Certification Standards;
- 227 (2) Submission of the completed Application and Affidavit,  
228 including the Organic Plan, by a producer or handler;
- 229 (3) Initial review of the Application by the Certifying  
230 Agent;
- 231 (4) On-site inspection of the farm or handling operation by  
232 an inspector;
- 233 (5) Administrative review and certification determination  
234 by the Certifying Agent;
- 235 (6) Annual recertification and reinspection and submission  
236 of an affidavit by the producer or handler; and
- 237 (7) Procedures relating to the handling of complaints and  
238 appeals of adverse determination by the certifying  
239 agency.

240 Each of these steps requires input, process and output, with the  
241 corresponding competencies.

- 242 (1) Promulgation of the Application for Certification and  
243 Certification Standards:

244 The output of this step of the certification process includes the  
245 Application Form and Certification Standards, the Organic Plan  
246 requirements for each particular kind of operation seeking  
247 certification, a fee schedule, and, by identifying the competence  
248 areas of the certifying agent, the specific kinds of operations  
249 for which the Certifying Agent declares expertise.

250 The competencies required are:

251 \* knowledge of the Organic regulations, as evidenced by the  
252 requirements outlined in the Application Form and Certification

Standards and the Certifying Agent's Organic Plan requirements;  
\* knowledge of the specific kinds of operations for which the Certifying Agent declares expertise (e.g., for a vegetable processing operation: Current Good Manufacturing Practice for processing operations, low-acid food canning regulations), as evidenced by appropriate training of inspectors and reviewers of applications (e.g., see Title 21, Code of Federal Regulations, Section 113.10 and Title 9, Code of Federal Regulations, Section 381.310);  
\* knowledge of operationally specific standards, handbooks and manuals; and  
\* financial competence, as evidenced by a published fee schedule and current financial statements, such as an independently audited annual financial statement or similar financial report.

(2) Submission of the completed Application and Affidavit, including the Organic Plan, by a producer or handler:

The output of this step in the certification process is a completed Application and an Organic Plan. The competencies required of the Certifying Agent relate to the confidentiality of certain information submitted by the producer or handler and generated by the Certifying Agent and to the record keeping system and procedures of the Certifying Agent required to satisfy the record keeping requirements of the OFPA.

(3) Initial review of the Application by the Certifying Agent:

This step in the certification process involves a general evaluation of the Application and Organic Plan against the organic regulations and the specific requirements and standards for the type of operation requesting certification, and requires sufficient expertise to make valid judgments. Many of the competencies required in step 1, above, are required here. In addition, the Certifying Agent must have competence in systematically recognizing potential conflicts of interest and avoiding actual conflicts of interest, as evidenced by specific written policies and procedures.

The output of this step in the certification process is to determine eligibility and provide specific instructions to an inspector who physically performs the next step in the process. The Certifying Agent must be knowledgeable of the organic regulations and the specific type of operation being reviewed by the reviewers within the Certifying Agent, in order to identify both general and specific areas for inspection. The Certifying Agent must have policies and procedures to maintain confidentiality of its internally generated initial recommendation.

298 The Certifying Agent must be competent in training its  
299 Application reviewers to achieve individual competence in the  
300 organic regulations, organic plan content, and specific standards  
301 and good operating practices for specific types of operations.

302 (4) On-site inspection of the farm or handling operation by an  
303 inspector:

304 The Certifying Agent must have the competence to evaluate the  
305 credentials, ability and affiliations of inspectors, in order to  
306 select inspectors competent to inspect the type of operation  
307 requesting certification, without conflict of interest. The  
308 Certifying Agent must show competence in its supervision of  
309 inspectors, with regard to inspector performance standards,  
310 reporting requirements and ethical behavior. Specifically, the  
311 Certifying Agent must have a general inspection protocol and  
312 specific criteria for assessing risks to organic integrity,  
313 especially adherence to the Organic Handling Plan and  
314 contamination with synthetic pesticides and other synthetic  
315 substances, and for testing food and soil and water for residues  
316 of pesticides and other synthetic substances as appropriate.

317 The competency required of the inspector, as an agent of the  
318 Certifying Agent and thus of the Secretary, includes technical  
319 knowledge of the type of operation in addition to knowledge of  
320 the organic regulations.

321 The output of this step in the certification process is the  
322 inspection report. The Certifying Agent, specifically the  
323 members of its review panel, must be competent in evaluating the  
324 inspection report as it pertains to the type of operation  
325 requesting certification.

326 The Certifying Agent is responsible for maintaining as  
327 confidential information proprietary information gathered by the  
328 Inspector. The Certifying Agent must demonstrate satisfactory  
329 oversight of inspectors' conduct with respect to protection of  
330 confidential information. This is evidenced by a signed  
331 affidavit.

332 (5) Administrative review and certification determination by the  
333 Certifying Agent:

334 This step in the certification process consists of reviewing the  
335 Application, the Initial Recommendation and the Inspection  
336 Report, and deciding whether the operation will be certified or  
337 not. The competencies required for this process are the same as  
338 those required for step 3 and step 4. The output of this step is  
339 the certification decision. The record keeping and  
340 confidentiality competencies of step 2 are again essential here.

341 The final reviewers should have competence in determining  
342 compliance with organic standards and regulations and in  
343 interpreting inspectors' reports.

344 A written procedure with objective decision criteria is an  
345 indicator of competency in this step. This can also be verified  
346 at the time of field evaluation.

347 (6) Annual recertification and reinspection and submission of an  
348 affidavit by the producer or handler:

349 The OFPA requires annual inspection and recertification of  
350 organic producers and handlers. The Organic Plan will require  
351 evaluation of progress toward certain goals agreed upon by the  
352 Certifying Agent and the producer or handler. Record keeping  
353 competency of the Certifying Agent is essential, as evidenced by  
354 the ability to locate prior years' Organic Plans for the producer  
355 or handler requesting recertification. A system for "automatic"  
356 follow-up that will assure pesticide testing of soil or food when  
357 justified by the prior history of an operation is an index of  
358 record keeping competency.

359 (7) Procedures relating to the handling of complaints and  
360 appeals of adverse determination by the certifying agency:

361 The Certifying Agent must have formal procedures that protect the  
362 rights of petitioners, to enable producers, handlers, inspectors,  
363 and others to submit complaints or to appeal decisions of the  
364 Certifying Agent. The Certifying Agent must have competency in  
365 enforcing its decisions and adjudicating appeals of its  
366 decisions.

367 The output of the appeal process is a "decision review report."  
368 The Certifying Agent must have access to competent legal counsel,  
369 to minimize its legal exposure and thus risks to the integrity of  
370 the organic program.

371 An index of competency is the availability of records documenting  
372 the results of the appeals process.

## 373 2. QUALIFICATIONS OF INSPECTORS

374 Certifying agents must employ or contract inspectors who  
375 have thorough knowledge of, and/or can demonstrate expertise in  
376 the following:

- 377 (1) General principles of organic food production, for  
378 crops, livestock or processing/handling.  
379 (2) All applicable organic food production regulations,  
380 including audit and labeling requirements. (Federal, State)

381           (3) Applicable inspections procedures, forms, and policies.  
382           (4) Specific production, handling, or processing and pest  
383 control methods (both organic and conventional), for product to  
384 be inspected, i.e.:  
385           Livestock (species)  
386           Processing (type)  
387           Crops (type)  
388           Handling.  
389           (5) Risk assessment for potential contamination and  
390 appropriate steps to be taken when contamination is suspected.  
391           (6) Adequate written and oral communication skills.

392           Required expertise may be acquired by work experience in  
393 agriculture (crops/livestock), food processing, or audit-



inspection (as applicable), formal education, specific training courses, or past organic inspection experience &/or training. "Sufficiency" of expertise as regards "qualified inspectors" must be determined in relation to the types of operations an inspector is assigned to inspect. (A processing inspector, familiar only with fruit and vegetable processing, may for example, need to seek additional training, reading, or other exposure to familiarize her/himself with another particular type of food processing.)

It is the responsibility of an Accredited Certification organization to determine that an inspector has both the general and specific expertise required to adequately observe and report compliance with and deviations from organic production and handling methods in the operations to which s/he is assigned. It is the responsibility of the inspector to note the need for additional information or expertise if deemed necessary in the course of an inspection, and to decline an assignment for which s/he lacks necessary expertise, or where sufficient information/protocols are not provided by the certification agency.

REFER TO: [TABLE A.1. Competence]

Additional requirements:

7. Accredited Certification organizations must have on file affidavits from all inspectors assuring compliance with statutory requirements regarding confidentiality and conflict of interest.

### **3. CONTROL OF THE USE OF THE CERTIFIER'S MARK OR SYMBOL**

### **4. CONTROL OF THE USDA SHIELD BY THE CERTIFYING AGENCY**

### **5. COST OF CERTIFICATION**

NOTE: An additional section concerning above sections 3, 4, and 5 will be developed by the Accreditation Committee for subsequent inclusion into the Final Board Recommendations.

## **B. Transparency:** Record-keeping

The basis of transparency is documentation, maintenance of records, publication of basic certification information and appropriate access to information by the public, and to records by the Secretary, and the certified party as specified below:

### **1. PRODUCER/HANDLER RECORDS**

Record-keeping required of producers and handlers that must be

434 available to the Secretary, certification agent, and State  
435 official:

436 Information which must be outlined and documented, as  
437 appropriate, by the producer or handler and reviewed by the  
438 certifier, includes:

439 (1) All substances applied to the growing and stored  
440 crop, growing medium, growing area, storage area, irrigation or  
441 post-harvest wash, or seed, while owned by the producer or  
442 handler, with dates, rates, and method of application, and name  
443 of applicator. [OFPA Sec. 2112 (d)]

444 (2) All substances administered and fed to animals, all  
445 medication and drugs, with dates and dosages; and all substances  
446 applied in any area where animals, milk or animal products are  
447 kept, with dates, rates, and method of application, and name of  
448 applicator, while animals are owned by this certified producer or  
449 handler.

450 (3) All substances applied to food, or applied in any  
451 area or container where food is handled while under the ownership  
452 of the certified entity who handles the food, with dates, rates,  
453 and method of application, and name of applicator. [OFPA Sec.  
454 2112 (d)]

455 (4) All substances used in the handling of food or  
456 applied in any area or container where food is handled or stored,  
457 while under the ownership of the certified entity who handles the  
458 food, with dates, rates, and method of application, and name of  
459 applicator. [OFPA Sec 2112 (d)]

460 (5) Proof of certification of all products handled and  
461 all organic ingredients used for each product labelled as organic  
462 or "with organic ingredients." (refer to NOSB PHL Committee  
463 Labeling Draft.)

464 (6) Sufficient records of all inputs, products handled,  
465 and date, source, lot number, and quantity; and all sales  
466 (whether bulk, raw or processed) with date, source lot number,  
467 quantity and recipient/transferee, to enable an auditing or  
468 inspecting certifier or investigator to reconstruct a "chain of  
469 custody" for all transactions during the period of time in which  
470 the certified entity holds title to the product, whether or not  
471 the product is physically in the possession of the certificant.

472 On at least an annual basis, certifying agencies or their  
473 inspectors must conduct at least one random product commodity  
474 tracking that demonstrates the steps of production or  
475 manufacturing prior to the shipment of that product from the  
476 premises of that farm or manufacturer.

## 477 2. CERTIFIER RECORDS

478 a. Records required to be kept by certifier, to be submitted to

479 USDA/AMS as part of the Accreditation Application and upon  
480 request available to the public [FOIA]:

481       Because verification of information about practices is  
482 crucial to consumer confidence in the organic label,  
483 accountability of certifiers is essential. The basic premise that  
484 "organic" means "basic information about this food is  
485 obtainable," extends logically to verification of the organic  
486 claim. Thus, "certified organic" must mean "basic information  
487 about this certification claim is obtainable."

488       For this reason USDA will maintain updated records of each  
489 Accredited Certifier's policies and procedures, and will compile  
490 a list on quarterly basis of all Accredited Certifiers and  
491 certified parties, which can be made available to the public by  
492 request. The availability of the list should be published in the  
493 Federal Register and food trade periodicals.

- 494       (1) Organization address, phone #, hours
- 495       (2) List of certified parties
- 496           (a) Producers, handlers, processors
- 497               (i) Past and present
- 498               (ii) Current status of each
- 499       (3) Decision documentation procedures
- 500       (4) Decision making structure
- 501       (5) Decision maker identities and affiliations
- 502       (6) Certification review process
- 503           (a) Certification standards and procedures
- 504           (b) Review body identities and affiliations
- 505       (7) Inspector selection criteria covering both the
- 506 competence of inspectors and their assignment.
- 507       (8) Organizational Structure (Articles of Incorporation,
- 508 By-laws, and organizational chart.)
- 509       (9) Organizational affiliations
- 510           (a) Major funding sources
- 511           (b) Major shareholders
- 512       (10) Established standard procedures for document
- 513 request response
- 514           (a) Fees for information requested
- 515               (expenses, i.e., fax, photocopy, staff time)
- 516           (b) Reasonable turnaround time for "standard" requests
- 517 for information.

518 (11) Established standard procedures for sampling and  
519 laboratory analyses that pertain to certification.[Sec.  
520 2107 (a) (9)]

521 b. Public Access to Production and Handling Information

522 One basis premise of transparency is that basic information  
523 about organic food and how it was produced and processed is  
524 available to the public. That is, accountability in terms of  
525 records and public scrutiny is implicit in the use of the term  
526 "organic." At the same time, confidential business information  
527 of producers and handlers must be protected, while consumer  
528 access to information for health related issues must be ensured.

529 All purchasing and sales records, relating to ingredients,  
530 substances applied, or recipes and other proprietary production  
531 information are considered to be confidential business-related  
532 information, which must be available to the certifier, but also  
533 must be protected from public disclosure under confidentiality  
534 provisions of OFPA. [Sec 2116 (g)]

535 Any other information contained in records which is not  
536 required to be disclosed, including financial and business  
537 related information, shall be removed before disclosure.  
538 [Sec.2116 (g)].

539 NOTE: An additional section concerning public access will be  
540 developed by the Accreditation Committee for subsequent inclusion  
541 into the Final Board Recommendations.

542 c. Records required to be kept by certifier and available upon  
543 request to the Secretary or his representative:  
544

545 The critical determinants of transparency are clear  
546 articulation of the policies and procedures governing  
547 certification decision-making, as well as open accessibility and  
548 clear documentation of the evidentiary basis upon which a  
549 particular certification decision is based. Transparency is  
550 achieved by having and following clear written standards,  
551 procedures and policies; good record-keeping; explaining the  
552 roles and responsibilities of officers, staff, inspectors and  
553 decision-making bodies; responsiveness to legitimate inquiries  
554 and complaints; maintaining an open, accessible, and responsive  
555 appeals process; and, by full disclosure and timely resolution of  
556 potential conflicts of interest.

557 Disclosure of the fiscal foundation for a certifying agent's  
558 activities is also essential to achieve transparency. Certifying  
559 agents should, on an ongoing basis in an annual report or other  
560 accessible means, document all sources of funds and revenue, the  
561 level and purpose of all expenditures, and the relationship  
562 between fee structure, income, other sources of revenue,

expenditures, and services rendered.

Verification of certification claims through ongoing independent review is the basis of National Accreditation. Certifiers work must be replicable, documented, and accessible to review, following consistently administered policies and procedures. Field evaluators, under confidentiality agreements, designated by the Secretary, shall have access [Sec. 2116 (c)(2)] upon request to any and all records concerning the certifying agent's activities under this chapter, including:

(1) Certificant files, including application, organic plan, inspection forms and questionnaires, decision documentation.

(2) Personnel and policy manuals, organizational chart.

(3) Full documentation of all appeals, complaints, and trademark or seal violations.

(4) Fiscal accounting: breakdowns of income and expenditures.

(5) Inspector, staff and decision maker contracts, including confidentiality agreements and disclosure of affiliations relative to potential conflict of interest. [Sec. 2116 (c)(2);(d); Sec. 2107 (a) (9)]

(6) Laboratory analyses, which must be reported to Secretary if shows any violative residue.

(7) Business records relating to conflict of interest provisions of the National Standards.

d. Records required to be routinely available upon request to certificant at reasonable cost for processing of request:

(1) Inspector contract, as above.

(2) Inspection report.

(3) Names and affiliations of all decision makers.

(4) Results of laboratory analyses.

**3. Maintenance, access and transference of records as required under OFPA:**

a. Producers and handlers are required to keep records of all substances as required above, for five years. [Sec. 2112 (d)]

b. Certifiers are required to keep records as above for ten years. [Sec. 2116 (c)(1)]

c. Any certifying agent shall allow access by the Secretary or his representative, or the governing State official, to any and all records concerning the certifying agents activities under this title. [Sec. 2116 (c) (2)]

d. If any certifying agent is dissolved, suspended or loses Accreditation, all certification records or copies of records concerning certifier activities Accredited under this title shall be transferred to the Secretary immediately upon request, and made available to the governing State official. Confidentiality of records must be maintained by certifiers even following a dissolution, suspension, or de-accreditation of the certifier. [Sec.2116 (c) (3)]

**C. Independence:** (freedom from conflict of interest)

Definition: The term "conflict of interest" is defined as the use by an individual of his or her position for personal advantage or to the detriment of the integrity of the Organic Program. Personal advantage includes interest in another organization by the individual or a member of his or her immediate family (household), or receipt or acceptance of economic or non-economic favors, gifts or benefits of more than nominal value accruing to the individual or his or her designee, other than as part of his or her bona fide compensation."

Owners, officers, staff, committee members, board members, employees and contractors of Certifying Agents who have a financial interest in a farm or handling operation certified by the Certifying Agent, or who otherwise stand to gain financially from a certification decision, except for receipt of agreed upon fees for service or for use of a trademark or seal, must be isolated from those certification decisions in which they have an interest. Certifying Agents act as agents of the Secretary under the Organic Program, so an individual employed by a Certifying Agent represents the Secretary in certification activities.

Recommendation: The Committee recommends to the Secretary that a Certifying Agent must have written policies and procedures regarding:

1. the application handling process;
2. disclosure of inspector financial interests and affiliations;
3. the appeal of inspection results;
4. the certification decision making process;
5. disclosure of financial interests and affiliations of members of the decision making body, including conditions of disqualification from decision making; and
6. the appeal of certification decisions

Furthermore, the Committee recommends that the Accreditation Authority itself must have a responsive and accessible complaint, appeal and investigation process.

651 Part III: Procedures for Accreditation (and Outcomes)

652 The Accreditation Process has three phases:

653 A. Application;

654 B. Field Audit and Evaluation; and

655 C. Peer Review and Recommendation to Secretary.

656           A.   APPLICATION (Phase I)

657                   **1. Submission of Application**

658           To be eligible for review within the first round of  
659 accreditation, certifying organizations must submit applications  
660 for accreditation within 90 days of the publication of this  
661 notice. Certification organizations who submit an application  
662 for accreditation within this time frame will be evaluated in the  
663 first round of Accreditation and may continue to provide  
664 certification services.

665           Certifying agents will be asked in the application form to  
666 request accreditation in specific program categories:

667           i. Organic Production: crops, livestock and related on-farm  
668 processing.

669           ii. Organic Food Processing and Handling.

670           iii. International Trade. (Certifiers who certify operations  
671 outside the USA who wish approval from the Secretary for  
672 import equivalency to US standards.)

673           To initiate the accreditation process, a certifying agent  
674 shall submit to the Secretary of Agriculture or his designee, an  
675 application, along with all required memoranda, documentation,  
676 and the applicable fee. Appendix B contains the Application  
677 Form, Memorandum of Agreement, and a description of required  
678 documentation.

679           The completed application form and accompanying  
680 documentation should be sent to:

681                   National Organic Standards Program  
682                   USDA/AMS/TMD  
683                   P.O. Box 96456  
684                   Washington, D.C. 20090-6456

685           Phone inquiries regarding the status of applications should  
686 be directed to: Michael Hankin (202) 205-7806.

687           In the first round, applications will be reviewed in the  
688 order in which they are received. Existing certifying  
689 organizations shall be given priority in the processing of  
690 applications and field evaluation. Organizations which have not  
691 been certifying prior to the beginning date of the application  
692 period should not begin doing so until they have completed Phase  
693 I of the Accreditation Process.

694           Until completion of the first round of accreditation reviews  
695 in response to all properly completed applications received from  
696 currently active certifying organizations, certifying



697 organizations may continue certification activities, or initiate  
698 new categories of certification services.

699 **2. Review of Application:**

700 The AMS/NOP Staff shall review applications for completeness  
701 and any obvious deficiencies or problems in a certifying agent's  
702 policies, programs, procedures, fiscal arrangements, or in regard  
703 to conflict of interest. If AMS/NOP staff makes a preliminary  
704 determination that the certifier's application indicates that the  
705 certifier meets the statutory requirements and the basic criteria  
706 of independence, transparency and competence as outlined in this  
707 regulation, they shall recommend to the Peer Review Panel that  
708 the "Accreditation Applied For" status be granted.

709 If AMS/NOP staff determines that the certifier's application  
710 does not meet the requirements of the OFPA, or if there is a need  
711 for further information or clarification of policies and  
712 procedures, the applicant will be notified accordingly.

713 **Notification:**

714 Within 60 days of receipt of an application, the AMS Staff  
715 shall respond to the applicant regarding whether the application  
716 has been found to be complete or deficient. Notification shall  
717 explain any deficiencies in the application and its supporting  
718 documentation, and explain options for overcoming deficiencies.  
719 New organizations wishing to begin certifying, and those who have  
720 been notified of an unsatisfactorily completed application, and  
721 have not responded within 60 days of notice, may not provide  
722 certification services, and must reapply for Accreditation.

723 Within 60 days of receipt of any additional information  
724 submitted to complete an application deemed incomplete, the  
725 Accreditation Staff shall inform the applicant of any remaining  
726 deficiencies, or acceptance of the application as complete. If  
727 the applicant does not respond within 60 days to notice of an  
728 incomplete application, they will have to wait for the next  
729 annual cycle of application and shall not be allowed to continue  
730 or begin certification activities. If the response still does not  
731 fulfill the requirements of the application, resubmission may  
732 continue, but Phase I must be complete within 12 months of the  
733 opening date for applications in that annual cycle, or further  
734 certification activity will be prohibited.

735 Close and thorough review of fully completed applications is  
736 intended to optimize certifier's successful field evaluation, to  
737 focus field evaluation on most salient areas of certifiers'  
738 operations, and to increase efficiency and effectiveness of time  
739 spent in field evaluation visits. To this end, the Committee  
740 recommends that AMS utilize the existing expertise in Organic  
741 Certification Program Evaluation to provide in-service training  
742 to AMS/NOP staff who will be reviewing applications.

To facilitate commerce during the first annual cycle of Accreditation, The National Organic Production Program will publish a list of certifiers who have satisfactorily applied for Accreditation, and are in the "pipeline" for field evaluation and peer review. This list will be published six months following the opening of the application process, and subsequently every six months.

Following the determination of "Application Accepted" status, the Peer Review Panel must be consulted on recommended assignment of the field evaluators and priority scheduling of visits. Upon completion of Phase I, and in preparation for the review process carried out in Phase II, AMS/NOP Staff shall provide applicants an explanation of the basic steps in the process and an estimated time-line for completion of various stages in the review and decision-making process.

At this point, for the first round of Accreditation application, AMS shall publish a list of all certifiers who have their applications complete and who are ready for field evaluation.

## **B. FIELD EVALUATION AND AUDIT OF AGENCY RECORDS (PHASE II)**

### **1. Nature and Purpose of Field Evaluation**

The purpose of the field evaluation-audit phase of Accreditation is to verify that each certifying organization is in fact functioning in a manner consistent with the requirements of the OFPA, the Accreditation Program and the policies and procedures outlined in their applications. Basic functions such as record keeping, assignment and activities of inspectors, and the content and uses of the organic plan and audit control will be checked to assure that certification decisions rest upon an acceptable technical foundation. Policies on decision making, conflict of interest protection and confidentiality will be reviewed in the context of actual cases, to determine that they are effectively being followed.

### **2. Design/ Assignment/ Approval of Evaluation Team**

The overall design of the field evaluation will follow the procedures outlined below. Some emphasis on certain program or policy areas may be indicated by the review of the Application, and these will be considered in the assignment and balance of particular evaluator expertise. Questions of procedure or application of policies that remain from the Application review shall be indicated to the assigned evaluators. The size and composition of evaluation review teams will vary depending on the scale and scope of a certifying organization's activities. The

proposed composition of Evaluation Teams shall be submitted routinely for comment to the Peer Review Panel, as well as to the certifying agent to be visited. AMS shall take into account the suggestions of the Peer Review Panel, and any concerns raised by certifying agents regarding the ability of an individual review team member to carry out an impartial review. The USDA should seek in its selection to create the most qualified, appropriate and unbiased team possible. Final responsibility for approving Evaluation Teams shall rest with AMS, with a process for appeal. All certifiers have the right to impose confidentiality conditions on any member of the site visit team, except insofar as OFPA requires USDA access to records.

An international organic standards organization that is recognized by the Secretary for purposes of accreditation of certifying agents may perform on-site evaluations in the United States. Any on-site evaluation performed by such entity may, at the discretion of the Secretary, constitute compliance with the on-site evaluation requirement appearing in the Secretary's domestic accreditation program provided that: (1) All written reports or documents produced or resulting from the on-site evaluation by such organization shall be provided to the Secretary; and (2) Such documents and reports become part of the permanent record of the certifying agent held by the Secretary.

The site visit will routinely be scheduled at the certification agent's headquarters, and possibly at certain other field locations. In cases where a certifying organization carries out its activities through multiple chapters in several locations, AMS/NOP, in consultation with the Peer Review Panel, shall decide how many additional field locations, if any, will be visited and evaluated in order to gain an accurate appraisal of the certifying agent's programs and policies followed across all locations or chapters. The key factor governing whether locations in addition to headquarters will need to be visited, and possibly accredited separately, is the locus of final decision making, permanent record storage, oversight and audit control. If chapters are completely autonomous in making and reviewing the final certification decisions, and are issuing certifications, they should require separate field visits.

### 3. Content of Site Visit

- a. Formal meeting to introduce evaluators and staff, and to review procedures to be followed.
- b. Random sample of certification files pulled for review, with case-file review form to be completed.
- c. Review of written policies and procedures, with questions for staff relative to actual implementation of these. Do staff functions appear to be well defined, understood, and carried out effectively?
- d. Review of decision making process, composition of

review panels.

e. Review of complaints and appeals cases, at discretion of evaluation team.

f. Review of residue testing procedures and findings.

g. Review of certifier's production audit systems, if applicable. If certifier does not maintain a transaction-audit system of certified product, what methods do they use to insure that such systems are practiced effectively by their certificants?

h. Review of inspector qualifications and assignments.

i. Optional field visits of certificants: (NOSB shall develop further recommendations).

j. Interviews by phone of parties relevant to certification decisions when warranted.

k. Completion of Evaluation Scoring Form, including all areas listed above, as well as compliance with OFPA re: conflict of interest, confidentiality, use of seal, reasonable fees, appeals and complaints and investigation/enforcement.

l. Exit Interview: A summary of the Team's finding shall be presented verbally to the Certification Director at the conclusion of the Team's visit.

#### 4. Access to Records

In carrying out field evaluations, individuals acting on behalf of the Accreditation Program shall be granted the full rights of access to information accorded the Secretary in the statute. Evaluators who are contracted by the USDA for this purpose shall sign non-disclosure agreements assuring protection of confidential information.

Inability or unwillingness to provide requested documentation, records, statements of policy, resumes of staff or members of governing bodies, or financial disclosure forms shall be grounds for denial or suspension of accreditation.

The certifying agent shall be prepared, upon request, to provide copies of selected documents and records to Evaluation Team members, although most basic documents shall already have been provided as part of the application. Such requests may include basic procedures and policy manuals, a limited number of case file records, resumes of personnel, and fiscal records, and any other supporting material which may aid in the evaluation.

#### 5. Evaluation Report

The Evaluation Team's field visit(s) shall be summarized in a written report completed, under all but exceptional circumstances, within 30 calendar days of the visit. An outline

of the Team's findings shall have been presented verbally at the conclusion of the Site Visit (Exit Interview, step 1. above.) The report must be signed by all members of the review team, any of which are free to add personal observations or additions to the report, which may include objections or differing views relative to certain conclusions or sections of the report. A copy of the field evaluation report, as submitted to AMS, shall be provided to the certifying agent, who shall have 14 days to clarify or correct factual matters addressed in the report, or provide further clarification or documentation of program elements identified in the report as a possible basis for a decision to deny accreditation.

## **6. Role of Peer Evaluators**

A peer evaluator will be selected from each certification group being accredited that wishes to exchange volunteer time for this purpose with other certification groups. Selection must be based on the qualifications outlined in Sec.A2. (below) and who is most familiar with the day to day operations of certification, and qualified to assist in the assessment of other certification program's management. These individuals will comprise an evaluator pool from which the selection of members for each review team can be made to create a balance of expertise and experience which reflects the size and type of program being evaluated. In the case of very small programs it may be determined that only one evaluator is required for the field visit. In composing each review team from the pool of qualified peer evaluators, AMS shall strive to create a balance of expertise in keeping with the size and complexity of the certifying operation. State certification programs shall have their evaluations include a peer-certifier from another state program, as private certifiers shall have their evaluation team include another private certifier. All those in the pool will be required to attend a Training and Orientation session before doing any site visits. Evaluators may be compensated for travel and per diem expenses to attend a training session.

## **7. Qualifications of Evaluators**

Evaluators, both USDA personnel and peer evaluators, assigned to do field audits of Certification Organizations seeking Accreditation under the O.F.P.A. should:

- 1) Have complete familiarity with policies and procedures of Organic Certification program management: application, inspection and decision making, and required record-keeping. Shall have received orientation in risk assessment in relation to certification program management.

2) Have: a) demonstrable expertise in agricultural cropping and livestock systems predominately certified by the certifier to which they are assigned, or  
b) demonstrable expertise in food technology and inspection, or  
c) have demonstrable experience in quality systems management, audit-inspection, or pesticide-food safety enforcement.

3) Be familiar with all requirements of the O.F.P.A., and ensuing U.S.D.A. regulations.

4) Have demonstrated both written and oral communication skills.

5) Submit three letters of recommendation verifying expertise and relevant experience.

6) Submit notarized affidavits ensuring compliance with all Federal requirements regarding confidentiality and conflict of interest, for each assigned evaluation.

Preference will be given to those with past experience as certification inspectors.

### C. PEER REVIEW AND RECOMMENDED OUTCOME (PHASE III)

#### 1. Background commentary

Under the Organic Foods Production Act of 1990, any person or State government can apply to be an agent of the Department of Agriculture for the purpose of certifying a farm or handling operation in accordance with the Act. Only food products produced on a USDA certified farm and handled by a USDA certified organic handling operation can sell or label their food products "organically produced" or "organic." Organic handling operations are defined as operations that receive or otherwise acquire organic agricultural products, and process, package, or store such products. Under the USDA's National Organic Production Program, consumers of food labeled "organic" are guaranteed by the USDA they are purchasing food products raised and handled according to the standards set forth in the Act.

Because the USDA Accredited Organic Certifying Agents are the critical element in legitimizing the organic label claim, to be an accredited certifying agent, an application must be made to the USDA, and verified through on-site field evaluation. both the application and the field assessment then go to a Peer Review

Panel appointed to assist the secretary in evaluating the performance of certifiers.

The specification of a Peer Review Panel in the Act, the history of the US organic movement, and the use of quality management systems models (which certification programs resemble and which are required for international trade) argue for a community or stakeholder role in assuring consumers that organic farmers and handlers are meeting the quality standards indicated by the "organic" label.

2. Functions, Responsibilities, and Operation of the Stakeholder-Peer Review Panel may include:

- a). advise (oversight) of screening of applications,
- b). recommendations for site evaluators and evaluations,
- c). reviews the Field Evaluation Report, Application Screening Report, and other documentation. (Might include complaint or appeals information, other evaluation reports, references.)
- d). completes Scoring Document
- e). recommends to Secretary as to approval (with time frame for re-evaluation, renewal shorter or longer) or denial,
- f). oversee fairness of process,
- g). make recommendations to NOSB and USDA on how to improve or adjust the program.

This panel will conduct routine operational/ administrative activities by conference calls and by mail. In person meetings to make recommendations will be scheduled to coincide with accreditation cycles. The locations of these meetings will be determined by the panel. Panel members, exclusive of the USDA member, shall serve without compensation. Travel costs will be reimbursed.

3. Qualifications, Composition and Size of the Peer Review Panel

The Secretary shall establish a Peer Review Panel that provides impartiality and representation of all sectors of the organic community. Individuals to be considered must have a history of participation and experience in a certification program/process. Key qualifying components of this experience include serving on a certification committee, advisor to a certification board or program, or as a certification inspector, as well as having expertise in organic farming and handling.

1006           The nine Peer Review Panel members should represent five  
1007 key sectors of the organic community, as follows:

- 1008           1. certified organic farmer - 3
- 1009           2. certified organic handler/processor - 2 total (1 each)
- 1010           3. organic certification agents - 2 total (1 each from a
- 1011           state and a private agent)
- 1012           4. a consumer/public interest group representative - 2
- 1013           5. USDA representative - 1
- 1014           6. NOSB representative (ex-officio) - 1.

1015           Each of the four geographical regions (as defined under the  
1016 USDA-Sustainable Agriculture Research and Education program)  
1017 should have at least two voting members on the Panel.

1018           All Peer Review Panel member must have required experience  
1019 and should be trained on all aspects of the USA/NOPP Organic  
1020 Accreditation Program.

1021           Conclusion: A Peer Review Panel with member representation  
1022 from the entire organic community, working in conjunction with  
1023 the Secretary of Agriculture embodies a democratic quality  
1024 management system consistent with certification review practices  
1025 used historically in the United States. It will further the  
1026 ongoing involvement of grassroots organizations and consumers in  
1027 a productive, efficient and effective partnership with USDA.

1028           Such a quality system for organic certifying agent  
1029 accreditation offers consumers, regulators, and trading partners  
1030 the assurance that "organic" food will consistently meet US  
1031 national "organic" standards.

1032           Note: In keeping with international guidelines for standard  
1033 setting organizations, no individual acting as a Peer Evaluator  
1034 or member of an Accreditation Field Evaluation Team shall also  
1035 participate on the Review Panel. Members of the Review Panel may  
1036 be asked to assist in the Application Screening/Review process,  
1037 prior to Field Evaluation. Essentially, evaluation must be an  
1038 independent and discrete function.

#### 1039 PART IV. OTHER PROCEDURES

##### 1040           A. Determination of Indemnification process and costs

1041           "Indemnification" means that the private certifiers must  
1042 extend their General Liability Insurance to add a clause naming  
1043 the Secretary of the U.S.D.A. as an "additional insured." Typical  
1044 cost for this estimated at 2-5% of premium cost. (Indemnification  
1045 is not a "surety bond" procedure.)



1046           **B. Administrative Appeals and Complaints Process**

1047           A fair and effective appeals system is essential to the  
1048 success and integrity of the "National Organic Production  
1049 Program" and to the accreditation process. Independence and  
1050 objectivity being of prime importance, the NOSB makes the  
1051 following recommendations to the Secretary:

1052       1. Any person adversely affected by a National Organic Production  
1053 Program action or decision must be given the opportunity to  
1054 appeal that determination. The Secretary must, in all cases, have  
1055 final decision making authority in the administrative review  
1056 process.

1057       2. In the interest of fairness, the National Organic  
1058 Accreditation Program appeals must be conducted by independent  
1059 hearing officers who are not responsible for the implementation  
1060 and administration of the National Organic Production Program.  
1061 Because AMS is responsible for this program, the use of hearing  
1062 officers who are employed or under the authority or control of  
1063 AMS, presents a problem of conflict of interest. To protect the  
1064 integrity of the appeals process, and to ensure fairness of these  
1065 determinations, this board recommends that an independent USDA  
1066 Appeals Division be utilized or established to conduct the  
1067 appeals review process, and to make final appeals decisions. This  
1068 board further recommends that the National Organic Production  
1069 Program appeals be administered by the National Appeals Division  
1070 that is being proposed in the current USDA reorganization plan as  
1071 called for in HR 3171, Sec.4. This recommendation is not meant to  
1072 imply the establishment of a separate USDA Appeals Division  
1073 solely for organics, but to strongly recommend the necessity for  
1074 an independent review process and for organics to be included in  
1075 the new USDA independent appeal division.  
1076

1077       3. To ensure an "expedited" appeals process [OFPA, Sec 6520 (a)]  
1078 and because food products are seasonal and some are highly  
1079 perishable, organic farmers, handlers, processors and certifiers  
1080 must be given the opportunity to correct any adverse decision by  
1081 the National Organic Accreditation Program so that they can carry  
1082 out their business activities and avoid undue economic losses due  
1083 to the inability to market their products.

1084       4. It is essential that all persons adversely affected by the  
1085 National Organic Accreditation Program be notified, in a timely  
1086 manner, that they have appeal rights. Therefore, the NOSB  
1087 recommends mandatory procedures be established that shall require  
1088 all National Organic Accreditation Program decisions to be made  
1089 in writing, including written explanation of the basis for the  
1090 decision and a timely written notice of appeal rights and

1091 procedures.

1092 5. To ensure that this appeals system is end-user friendly and  
1093 that knowledge of appeals rights are readily available and simple  
1094 to understand, the NOSB recommends that at the accreditation and  
1095 certification application stages that appeals informational  
1096 brochures be mandatorily provided to such persons. This  
1097 informational brochure must include in easy to understand  
1098 language the following: Their appeals rights, procedures, time  
1099 lines for due process and all key phone numbers, personnel and  
1100 addresses necessary to "expedite" these rights, if and when  
1101 necessary.

1102 6. Furthermore it is the intent of the NOSB to be systematically  
1103 apprised of the appeals process functioning, on a quarterly  
1104 basis. This information should include: number of appeals, and  
1105 outcome, kinds of appeals, and any problems arising from this  
1106 process that may need new or revised recommendations to USDA for  
1107 ensuring this independent and expedited appeals process.

1108 C. Costs of Accreditation

1109 Recognizing that there will be substantial start-up costs to  
1110 implement the USDA Accreditation Program; that revenues from  
1111 certification fees will be substantially higher after handlers  
1112 not now certified have applied; and that costs of the first year  
1113 of accreditation will exceed successive years; and, because the  
1114 OFPA is a consumer protection law and is intended as well to  
1115 support and encourage environmentally sound agricultural  
1116 practices and because additional costs to organic producers will  
1117 be perceived as disincentives; the Board sees the use of  
1118 appropriated funds as justified, and therefore recommends that  
1119 the first round of accreditation be paid for through a direct  
1120 appropriation of federal funds. Furthermore, the Board  
1121 recommends that (1) fees charged to certifiers not exceed the  
1122 ongoing costs of administering Accreditation after the first  
1123 round and that fees collected be used exclusively for that  
1124 purpose; and (2) the ongoing program administration costs above  
1125 the cost of Accreditation be paid for through direct appropriated  
1126 funds.

1127 D. Suspension or termination of accreditation

1128 NOTE: An additional section concerning this subject will be  
1129 developed by the Accreditation Committee for subsequent inclusion  
1130 into the Final Board Recommendations.

1131 Part V. **APPENDICES**

1132 Contents:

1133 A. Glossary

1134 B. Application

1135 Part 1. Basic Information

1136 Part 2. Memorandum of Agreement

1137 Part 3. Questionnaire: Policies and Procedures

1138 Part 4. Required Documents

1139 C. Other forms

1140 Application screening report

1141 Notification

1142 Field evaluation report

1143 Peer review board scoring document and memo

1144 Indemnification of Secretary (Bond)

1145 APPENDIX A

1146 **GLOSSARY** (to be developed)

1147 APPENDIX B

1148 **APPLICATION FOR ACCREDITATION**

1149 Submitted to:

1150 The United States Department of Agriculture

1151 for the

1152 USDA Organic Certification Accreditation Program

1153 Please fill out all sections and answer all questions.

1154 Before answering questions in this application, please study

1155 carefully the content of the Federal Register Notice: " Standards

1156 and Procedures Governing Accreditation of Organic Certification

1157 Organizations."

1158 This application contains four sections:

- 1159 1. Basic Information
- 1160 2. Memorandum of Agreement (Statement of Intent)
- 1161 3. Questionnaire (Program policies and Procedures)
- 1162 4. Checklist of Required Documentation

1163 Please send the completed application and all accompanying

1164 materials to:

1165 National Organic Standards Program

1166 USDA/AMS/TMD

1167 Room 2510 - S

1168 P.O. Box 96456

1169 Washington, D.C. 20090-6456

1170 Phone inquiries regarding the status of applications should be

1171 directed to: Michael Hankin (202) 205-7806.

1172 **Application for Accreditation**

1173 **Part 1. Basic Information**

1174 1. Name of Organization; contact person for inquiries regarding  
1175 this application; phone/fax numbers; headquarters address

1176 2. Organization Type: state or private.

1177 2.A. Describe your legal status. Do you have chapters/field  
1178 offices -- what do they do, what policies and procedures do they  
1179 follow, and how do services offered differ across chapters/offices  
1180 and headquarters?

1181 2.B. Please describe the relationship of your governing body  
1182 to the body which makes certification decisions.

1183 3. How long have you offered organic certification services?  
1184 Please describe briefly the history of your organization or  
1185 program.

1186 4. Please list the name, title, address, and phone/fax of your  
1187 organizations chief staff officer, chairperson or head of your  
1188 board or governing body, and the individual responsible for  
1189 fiscal management.  
1190 (Attachment)

1191 5. PLEASE CHECK THE CATEGORIES OF CERTIFICATION FOR WHICH YOU ARE  
1192 APPLYING FOR ACCREDITATION, and list the current number of  
1193 certificate holders and/or licensees and estimated annual sales of  
1194 certified product:

1195	Number	Volume
1196	of certificants	

1197 \_\_\_\_\_Crops and/or livestock

1198  
1199 \_\_\_\_\_Processing and handling

1200 \_\_\_\_\_Foreign certifications  
1201 of certificants who import to US

1202 6. If conducting certifications of the production and/or handling  
1203 of organic products imported into the United States, please  
1204 complete the following sections (a.-e.) below:

1205 a. List the foreign countries within which you presently conduct  
1206 certification services, and indicate those from which products are  
1207 imported into the U.S.

1208 b. List those countries other than the United States to which  
1209 products bearing the seal of your agency are exported.

1210 c. Explain cases where the application of agency policies,  
1211 procedures, and standards differ from those applied within the  
1212 United States.

1213 d. Describe the measures controlling the issuance of certificates  
1214 to producers and/or handlers in foreign countries that are  
1215 implemented by your agency. Please cite how these measures differ  
1216 from those employed to ensure the integrity of products produced  
1217 and/or handled within the U.S.

1218 e. List the records pertaining to the certification of producers  
1219 and/or handlers located in foreign countries that are accessible  
1220 and on file at the U.S. agency office.

1221 7. Geographic area(s) of current certification activity (states  
1222 and other countries.)

1223 8. Areas of certification competence (specific types of producers  
1224 and or handlers for which you have specific standards and inspector  
1225 expertise.)

1226 **Part 2.** **MEMORANDUM OF AGREEMENT**

1227 NAME OF CERTIFYING AGENT \_\_\_\_\_

1228 The following signatories, being duly authorized to represent  
1229 the above referenced organic certification agency, hereby confirm,  
1230 according to the best of their knowledge, full and ongoing  
1231 compliance with requirements of the Organic Food Production Act,  
1232 1990, National Organic Production Standards, and Standards and  
1233 Procedures Governing the Accreditation of Organic Certification and  
1234 the accuracy of information provided in this Accreditation  
1235 Application. Further, said signatories hereby assume full  
1236 responsibility for submitting or providing access to the  
1237 Secretary, or his designee, to supporting documentation as may be  
1238 required. [§ 2116(d), (e) & (i): "Agreement;" "Private certifying  
1239 agent agreement;" & "Administrator"]

1240 Further it is agreed that the private entity signatories shall  
1241 hold the Secretary harmless for any failure on the part of said  
1242 agent to carry out the provisions of the OFPA 1990.

1243 Signed: \_\_\_\_\_

1244 Date: \_\_\_\_\_

1245 (Name, title)

1246 Notary Public

1247 Name:

1248 Number:

1249 Date:

1250 Place:

1251 **Part 3. QUESTIONNAIRE**

1252 **Description of Program Policies and Procedures**

1253 Please answer all questions in the space provided, summarizing  
1254 information, policies, and procedures described in more detail in  
1255 your attachments.

1256 VERY IMPORTANT -- After your summary response to each  
1257 question, please provide clear and explicit directions regarding  
1258 where the full explanation/documentation is located in the various  
1259 attachments.

1260 **ORGANIC PRODUCTION STANDARDS**

1261 The purpose of this section is to provide information needed  
1262 to evaluate the basic equivalency of your procedures with the OFPA  
1263 provisions governing the content and use of organic plans.

1264 1. Do you require a three-year history of management without  
1265 prohibited substances for all farms certified? yes\_\_ no\_\_

1266 2. Do you have provisions and policies to insure that organic  
1267 integrity is maintained in "mixed" (organic/conventional)  
1268 operations? yes\_\_ no\_\_

1269 3. Do you require annual on-site inspection? yes\_\_ no\_\_

1270 4. Do you have a published list of approved/prohibited inputs?  
1271 yes\_\_ no\_\_

1272 5. Do you have standards for:

1273	organic farm and handling plans	yes__	no__
1274	soil fertility management	yes__	no__
1275	manure management	yes__	no__
1276	seeds and transplants	yes__	no__
1277	wild crops	yes__	no__
1278	livestock	yes__	no__

1279 6. Do you have standards for organic food processing and handling?  
1280 yes\_\_ no\_\_

1281 7. Will your standards, fiscal policies or practices prohibit your  
1282 organization from recognizing certifications by other organizations  
1283 accredited under the OFPA? yes\_\_ no\_\_

1284

1285 POLICIES AND PROCEDURES

1286 **Seal or Trademark**

1287 1. Please describe your trademark or seal, and the policies  
1288 governing its use.

1289 2. What are the financial consequences, if any, and policies  
1290 governing use of your seal or trademark? (By "consequences", we  
1291 mean any obligation to exchange funds, or incur a financial  
1292 obligation of any sort).

1293 **Staff**

1294 1. Describe your policy regarding inspector qualifications, train-  
1295 ing, and assignments. What do you ask inspectors to do? How are  
1296 they paid? Who selects and assigns them to specific cases?



1297 2. Describe your policies to guard against conflict of interest  
1298 among inspectors, staff, officers, committee members and clients.

1299 3. Does your organization perform consulting or advisory services?  
1300 Are these agricultural, marketing or legal services?

1301 If so, do you have written procedures with respect to the  
1302 separation of certifying functions and consulting functions? How do  
1303 you insulate the certifying function?

1304 By procedure

1305 By organizational function

1306 **Confidentiality and Access to Records**

1307 1. Describe the policies and procedures you have used, or will use  
1308 to assure confidentiality of records on individual clients.

1309 2. Describe how you handle requests for information on a client  
1310 from another certifying organization, from a member of the public,  
1311 from a prospective buyer.

1312 **Finances**

1313 Explain how your program is financed, with references to an  
1314 attachment which provides an accounting for your last fiscal year.  
1315 (i.e., audited annual report, financial statement, IRS report,  
1316 State govt audit)

1317           **Appeals and Complaints**

1318       1.   Describe your appeals processes and policies.

1319           **Policy Changes**

1320       1.   Describe the process you use, and who makes decisions relative  
1321       to changes in:

1322           + Standards

1323           + Program management

1324           + Decision-making authority

1325           + Job descriptions

1326           + Fiscal matters

1327           + Actions recognized by applicant as essential to attain  
1328           accreditation

1329       **Part 4. Additional Documentation Required**

1330       1.   Criteria for certification (Standards) (What you send to a  
1331       potential client who seeks information on the services you offer.)\*

1332       2.   Minimum information required from producers or processors  
1333       regarding growing or handling practices (Application/Organic Plan  
1334       Questionnaire) and methods for verifying that information.

1335       3.   Procedures for inspection, including frequency instructions  
1336       given to inspectors, and what Inspection Report must cover.\*

- 1337 4. Qualifications of and training requirements for all inspectors.\*
- 1338 5. List of key staff. officers, shareholders, committees, approved  
1339 inspectors and persons with decision making authority, for chapters  
1340 as well as main office.\*
- 1341 6. Program and personnel policy manual, including decision making  
1342 procedures.
- 1343 7. Articles of incorporation or state law/charter.
- 1344 8. Organizational chart.
- 1345 9. Latest annual report or its equivalent.
- 1346 10. Procedures for soil and tissue sampling and analysis.
- 1347 11. List of currently certified clients.\*
- 1348 **\*Changes or updates in \* items must be revised and reported**  
1349 **annually to USDA.**

1350 APPENDIX C

1351 OTHER FORMS (to be designed)

